

Lyman D. Thurston to be postmaster at Leicester, Worcester County, Mass.

## MICHIGAN.

Fabius A. Fisk to be postmaster at Colon, St. Joseph County, Mich.

Jacob Leroy Gumaer to be postmaster at Ovid, Clinton County, Mich.

Eugene T. Slayton to be postmaster at Lapeer, Lapeer County, Mich.

## MINNESOTA.

Anton R. Erickson to be postmaster at Bemidji, Beltrami County, Minn.

## MISSISSIPPI.

John W. Lockhart to be postmaster at Durant, Holmes County, Miss.

## MISSOURI.

Albert F. Huggins to be postmaster at Shelby, Shelby County, Mo.

## NEBRASKA.

Daniel N. Wonder to be postmaster at Blue Springs, Gage County, Nebr.

## NEVADA.

Jesse Christensen to be postmaster at Beatty, Nye County, Nev.

Theodore R. Hofer, jr., to be postmaster at Carson City, Ormsby County, Nev.

## NEW JERSEY.

Charles D. Stainton to be postmaster at Englewood, Bergen County, N. J.

## NEW MEXICO.

Albert R. Carter to be postmaster at Tucumcari, Quay County, N. Mex.

## TEXAS.

W. P. Harris to be postmaster at Sulphur Springs, Hopkins County, Tex.

## VERMONT.

Alton B. Ashley to be postmaster at Milton, Chittenden County, Vt.

Henry S. Webster to be postmaster at Barton Landing, Orleans County, Vt.

## VIRGINIA.

Benjamin P. Gay to be postmaster at Smithfield, Isle of Wight County, Va.

John A. McCloud, jr., to be postmaster at South Norfolk, Norfolk County, Va.

## WASHINGTON.

James W. O'Connell to be postmaster at Republic, Ferry County, Wash.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 11, 1908.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 138. An act to provide for the survey of the public lands of the States of Idaho, Oregon, Montana, and California;

S. 6047. An act repealing section 13 of the act approved March 2, 1907, entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes,' and for other purposes;"

S. 4793. An act authorizing settlers on Crow Reservation lands in Montana to mortgage same for the construction of irrigation systems prior to final proof;

S. 3970. An act to revise and amend the statutes relating to patents;

S. R. 9. Joint resolution authorizing the Secretary of War to furnish a condemned cannon to the board of regents of the University of South Dakota, at Vermillion, S. Dak., to be placed on the campus of said institution; and

S. R. 6. Joint resolution directing the selection of a site and the erection of a pedestal for a bronze statue in Washington, D. C., in honor of John Witherspoon.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 16860. An act to establish a United States land district in the Territory of New Mexico, to be known as the Tucumcari land district; and

H. R. 9205. An act to make the provisions of an act of Congress approved February 28, 1891 (26 Stats., p. 796) applicable to the Territory of New Mexico.

The message also announced that the Vice-President had appointed Mr. BAILEY and Mr. GALLINGER members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments," for the disposition of useless papers in the Interior Department.

## SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 138. An act to provide for the survey of the public lands of the States of Idaho, Oregon, Montana, and California—to the Committee on the Public Lands.

S. 6047. An act repealing section 13 of the act approved March 2, 1907, entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes,' and for other purposes"—to the Committee on Public Buildings and Grounds.

S. 4793. An act authorizing settlers on Crow Reservation lands in Montana to mortgage same for the construction of irrigation systems prior to final proof—to the Committee on the Public Lands.

S. 3970. An act to revise and amend the statutes relating to patents—to the Committee on Patents.

S. R. 9. Joint resolution authorizing the Secretary of War to furnish a condemned cannon to the board of regents of the University of South Dakota, at Vermillion, S. Dak., to be placed on the campus of said institution—to the Committee on Military Affairs.

S. R. 6. Joint resolution directing the selection of a site and the erection of a pedestal for a bronze statue in Washington, D. C., in honor of John Witherspoon—to the Committee on the Library.

## POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18347, the post-office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill, with Mr. OLMSTED in the chair.

The CHAIRMAN. The Clerk will resume the reading of the bill.

The Clerk read as follows:

Watchmen, messengers, and laborers, 430, at \$700 each; 225, at \$600 each; and 100, at \$500 each; in all, \$486,000.

Mr. OVERSTREET. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 12, lines 1 and 2, strike out "430" and insert "530."

The amendment was agreed to.

Mr. OVERSTREET. I also offer the following.

The Clerk read as follows:

Page 12, lines 4 and 5, strike out "four hundred and eighty-six thousand" and insert "five hundred and fifty-six thousand."

Mr. MANN. May I ask the gentleman from Indiana what is the pay provided in this bill for the watchmen and laborers in the post-offices?

Mr. OVERSTREET. There are 530 watchmen, messengers, and laborers at \$700 each, 225 at \$600 each, and 100 at \$500 each.

Mr. MANN. I understood the gentleman to say last year that the pay of watchmen was \$720 a year.

Mr. OVERSTREET. No; we have taken the watchmen, messengers, and laborers at the salaries they are now receiving and incorporated them in this item of appropriation, except that there were a few laborers at \$400, who were covered into the \$500 class.

Mr. MANN. I remember that last year the gentleman from New York [Mr. OLCOTT] offered an amendment for the purpose

of increasing the salaries of watchmen to \$800 a year, and the gentleman in charge of the bill, properly I think, although it was against my desire, raised the point of order on it and stated that the salary then provided was \$720.

Mr. OVERSTREET. The current law provides no \$720 compensation for employees in the post-office. It is \$700; not \$720.

Mr. MANN. Has the gentleman's committee considered the desirability or the necessity of increasing the salaries of watchmen and laborers in the large cities?

Mr. OVERSTREET. It has not been limited to the consideration of salaries in the large cities; but the committee considered, in a limited way, the problem of increases of salaries of all kinds, including those of laborers and watchmen, and determined that it would not make any recommendation for increases of salaries of any class this year.

Mr. BENNET of New York. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment.

The amendment was again reported.

Mr. OVERSTREET. Mr. Chairman, that amendment was simply to correct an error in the preparation of the bill.

Mr. BENNET of New York. I move to strike out the last word of the amendment, for the purpose of asking the chairman of the committee if the bill does not decrease the number of laborers by fifty or sixty from last year.

Mr. OVERSTREET. No. If the gentleman has noticed, the first amendment I offered increased the number in this item 100. That was a clerical error in the preparation of the bill, and is now corrected by these two amendments.

Mr. BENNET of New York. I was not here when the first amendment was adopted, and, Mr. Chairman, I withdraw my pro forma amendment.

Mr. ADAMSON. Mr. Chairman, I have some remarks and a diagram upon the Appalachian Forest Reserve which I ask unanimous consent to print in the Record.

The CHAIRMAN. The Chair is of the opinion that the proposal to print a diagram in the Record would have to be submitted to the Committee on Printing.

Mr. ADAMSON. Then I withdraw that part of my request.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. ADAMSON. I here submit the following letter as a part of my remarks:

COLUMBUS, GA., March 2, 1908.

Judge ADAMSON, Washington, D. C.

MY DEAR JUDGE: I inclose diagram of Pine Mountain, which was made from United States Geological Survey, Talbotton and Opelika quadrangles. That part of it inclosed with red lines is the strictly mountainous part and consists of 12,000 acres. I have extended this by cross marks, which space within the cross marks, excluding the red-line areas, both north and south of the mountain, would make the whole area about 36,000 acres. These 24,000 acres, exclusive of the strictly mountainous part, 12,000 acres, are just as proper to be included as the strictly mountainous portion. I do not believe that the 24,000 acres contain exceeding 10 per cent of land that would be fit for agricultural purposes. Now, the object is to get this tacked onto the Appalachian forestry bill, now pending in Congress. You know that below the points where Mountain Oak and Mulberry creeks empty into the Chattahoochee River, the largest water powers on the river down to Columbus exist. This Pine Mountain reservation can be made equal to any other part of the Appalachian range for forestry preservation; between Hamilton and Mountain Hill, as the United States Geological Survey shows, on the south side of the mountain, enough water can be had at Columbus by gravity for municipal purposes for 400,000 or 500,000 people. Mulberry and Mountain Oak creeks are notoriously muddy creeks in times of high water or freshets. They used to be comparatively clear streams.

The amounts of detritus that these creeks are contributing to the river, filling up the dams and making it more difficult to keep the navigation of the river below Columbus open, are prodigious. If, in all respects, the Appalachian range in North Georgia is eligible for forestry reservation, this lowest portion of the same range of mountains is equally so, and the bill should be amended so as to include these Pine Mountain areas. I have written Mr. Pinchot to see you on the subject. Mr. Mills, who lectured here on forestry preservation, a short while ago, and myself had a conversation about the Pine Mountain area, and after my explanation he thought it should be included. I do not know what disposition will be made with the forestry bill at this or future sessions of Congress; but when the bill is likely to pass the Pine Mountain area should be already incorporated. In those respects explained by the President in his recent message on waterways, it has all of the conditions for forestry restoration, for water for municipal purposes, for increasing and steadying a supply of water for water power, and for the navigation of the Chattahoochee River below Columbus.

I trust that you will see that it is incorporated in the bill, and I am sure that it will present the closest feature of the relation of the Pine Mountain to the lower waters of the Chattahoochee in the very particulars that sustain the argument favorable to forestry preservation, etc.

Although the national forestry bill may not be acted on at this session of Congress, there is no doubt eventually it will be passed. This bill includes the Appalachian range, in which the Chattahoochee River

has its source. Pine Mountain is the most southern extension of the Appalachian Mountains, and in every argument that has been made for forest preservation Pine Mountain range, traversing Harris County, with Mountain Oak Creek to the north of it and Mulberry Creek to the south, emptying into the Chattahoochee River 15 and 16 miles north of Columbus, is the fittest forestry area in the South for such preservation.

As shown by a tracing from the United States geological surveys of the Talbotton and Opelika quadrangles, those which are strictly the mountain sources of drainage into Mountain Oak and Mulberry creeks, consist of 12,000 acres. Adding to this the lower formations of the mountains, the areas would be about 36,000 acres, of which not more than 10 per cent are fit for agricultural purposes. These mountains have in times past been covered with long-leaf pines and every variety of southern timber growth. Injudicious cutting and fires have already destroyed most of this timber. If it was restored and so much of it disposed of annually by the Government for wood and lumber it is almost safe to say that it would supply the Fourth Congressional District with lumber as long as its political existence lasted. The terms proposed in the creation of national forests are to purchase the lands at not more than \$5 or \$6 per acre.

The majority of the great water powers on the Chattahoochee are below where Oak Mountain and Mulberry creeks empty into the river. The United States Geological Survey shows that between Hamilton and Mountain Hill there is a plentiful supply of water by gravity for 500,000 people at Columbus.

California, which has one-half of our annual rainfall, has proved that water supply has increased 25 per cent after forest restoration. It is safe to assert that ours would increase 50 per cent.

It cost Switzerland \$35 per acre to restore her forests, and Italy \$20 per acre. Of all the Appalachian system to be preserved, Pine Mountain is the most important in proportion. The pine growth of Pine Mountain is most prolific of turpentine. The turpentine of the South has been obtained by cutting a hole in one side of the tree, called "boxing," which in a few years kills the tree. The Forest Service has found a method of extracting turpentine by which the trees are far less injured and the yield is increased 30 per cent.

We in Columbus are thoroughly alive to this question, and I trust that you will become enlisted in the cause, seeing that your district is directly to be benefited, and that you will also secure the cooperation of the Congressmen from Florida and Alabama whose districts border the lower Chattahoochee.

It occurs to me that our opponents will have a difficult task to show that the Government has not the right to make these purchases. The closeness of Pine Mountain to the Chattahoochee River strengthens the point that the United States has power to make the purchase, in reference to their jurisdiction over navigable streams and for their protection.

I am further inclined to think that the constitutional right of the Government to acquire territory either "by conquest or treaty" can be used as an additional liberal argument in favor of Congress to acquire these mountain areas for forestry preservation, etc.

I am, yours, very truly,

CHARLES J. SWIFT.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was considered, and the amendment was agreed to.

The Clerk read as follows:

Clerks in charge of contract stations, at a rate of compensation above \$300 each, and not to exceed \$1,000 each, \$250,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to move to increase the amount. This is a matter that affects the so-called "substations," or numbered stations. The present law and the bill both carry the distinction between salaries above \$300 and salaries of \$300 and below. I understood the gentleman from Indiana [Mr. OVERSTREET], in charge of the bill, the other day to say that in the estimates and suggestions made by the Department these provisions were lumped in some way, and it was not very clearly stated how the dividing line should be made.

For some years the Department has endeavored to arrive at some basis upon which to fix the salaries for those stations. They have changed it from time to time. It originally was based on the amount of stamps sold, the amount of business transacted in that way, but it was thought that some of the clerks in charge of substations padded their stamp sales by encouraging the sale of stamps to people in large quantities, and so that method was changed. Several years ago they arrived at a basis which fixed the salary by the amount of money orders and registered letters, and started in with a basis of \$100 for a thousand dollars of business in money orders and registered letters, and a salary of \$200 for a business of \$2,000, and between two and three thousand dollars a salary of \$300. That basis has since been changed so that the salaries are reduced somewhat. It takes a larger number of money orders and registered-letter transactions to increase the salary from \$100 to \$200, the initial salary being \$100. But while the Department has fixed their schedule of the amount of transactions upon which to base the salaries, they have not been able to keep faith because the amount appropriated was not sufficient.

For instance, in my own district, for the year 1906, station 16 received a salary of \$500, and the combined money-order and registered-letter transactions were 4,758. Last year the number of transactions increased to 5,105, and the salary was reduced to \$400.

On station 23 the combined transactions for 1906—and these



are for the year ending March 31 of the year named—were 3,180, and the salary \$400. Last year the combined transactions were 3,229, and the salary was reduced to \$300 instead of being increased.

On station 46 the combined transactions were 1,529 and the salary was \$200. But last year, while the transactions had increased to 2,972, the salary was reduced to \$100. Of course, that is not in the class above \$300.

On station 81 the combined money-order transactions and registered letters was 6,643 and the salary was \$600. I may say that is a large amount of business transacted. Last year the combined money order and registered letters at this station was 8,354, and the salary was reduced, although the amount of business had increased from 6,643 to 8,354. The salary was enough to entitle him to a raise of salary under their schedules and entitle him to a raise of salary on the amount of business transacted, but the salary, instead of being increased, was reduced.

Mr. WANGER. Mr. Chairman, right there I would like to ask my friend if it is not a fact that the schedule was changed to a different basis for compensation of these clerks by the Post-Office Department?

Mr. MANN. I have just stated that the basis had been changed, but not last year. And even upon the change of basis, even upon the basis now in force, these people are entitled to an increase in salary, but there is not sufficient appropriation. Even upon the basis which the Department endeavors to enforce there is not sufficient appropriation.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Chairman, I would like five minutes more.

The CHAIRMAN. The gentleman from Illinois asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. STAFFORD. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. STAFFORD. In reply to the gentleman's criticism, I wish to say that he is quite correct in his statement as to the schedules that have been in force in prior years for the fees to the clerks in charge of these contract stations, but I wish to direct his attention to what I believe has been the difficulty which has caused the Department not to grant all of the increases according to the schedule of business in force in the Department. In prior years these two items providing for clerks in charge of contract stations have been carried just previous to the item which carries the lump-sum appropriation for the entire clerical service in the post-offices of the country. Although in those two items for clerks in charge of contract stations we provided a definite appropriation for each of the two classes, still the total amount was embodied in the gross appropriation for clerical hire.

The Department during the last two years has inadvertently furnished erroneous estimates as to the total amount necessary in this appropriation, not only of clerks because of increase of business, but during the present fiscal year because of increases in salary for promotion purposes, so that the Department has been forced to limit the expenditure out of these two respective items and has used that money for expenditures for clerical purposes. Last year noticeably that was the case, and I have the figures here if the gentleman would wish to have them. There was at the time the bill was under consideration last year a balance of more than \$35,000 apparently available for expenditure in these two items, but that amount had been utilized for expenditure for clerical purposes other than for clerks in charge of contract stations, and to-day in this very item we are considering we appropriate in the current bill, for these contract stations of the \$300 grade and under, the sum of \$515,000. On January 16 of this year, according to the statement furnished the committee under date of January 22, there was being expended the annual rate of \$498,873, making available more than \$15,000 for the remainder of the present fiscal year.

Mr. MANN. But we are talking about an item above three hundred. I do not want the gentleman to get the committee to think that there is a large amount of money here—

Mr. STAFFORD. Oh, I wish to save the time of the House by considering both items at one time, because I believe I can convince the gentleman that the difficulty has been in the arrangement of these items, rather than the amount appropriated, and it has not been the fault of the committee in making inadequate appropriations for this service.

Mr. MANN. If the gentleman will pardon me, if the gentleman proposes to convince me by showing me that the Post-Office Department has violated the law and used this fund for something else, then I want the gentleman from Pennsylvania [Mr. WANGER], the chairman of the Committee on Expenditures

in the Post-Office Department, to pay particular attention to it, because, if that is the case, I want him to make it hot for somebody in the Post-Office Department.

Mr. STAFFORD. There is no question but that the gentleman from Pennsylvania would make it very warm for somebody in the Post-Office Department if there has been any violation of the law, but I hardly believe my statement will warrant any such construction.

Mr. MANN. The gentleman stated that a part of this fund had been diverted from contract stations, and the appropriation expressly says "for clerks in charge of contract stations."

Mr. STAFFORD. It has been diverted, yet under the decision of the Comptroller it was permissible, and the discretion rested with the Department heads to use this money for any of the items carried in the previous sections, which was included in the total appropriation. Now, what have we done this year? We have separated—

Mr. MANN. But that is a very important matter, to know whether—

Mr. STAFFORD. If the gentleman will permit me to make my explanation before he takes the floor again, I shall be very much obliged. This year we have sought to overcome that difficulty by segregating those two items and furnishing two distinct provisions, separate and apart from the total appropriation for clerical hire, and not including the amounts carried for those two items for clerks in charge of contract stations into the total amount provided for clerks and employees in first and second class post-offices.

Mr. MANN. What I want to get at is the fact in reference to the diversion of this money.

Mr. STAFFORD. The gentleman will see, if he looks at page 12, that these two items for clerks in charge of contract stations are separate and distinct, and follow the total appropriation, as found in lines 12 and 13, on page 11, while in the current law they immediately precede the total appropriation, which was provided for all character of clerks and employees in the postal service.

Now, by so segregating these items we thereby remove the discretion of the post-office officials to utilize this fund for any other purpose except as designated in the item, that of "clerks in charge of contract stations."

Mr. MANN. Now, the gentleman raised a question which goes away beyond the importance of contract stations. Does the gentleman mean to tell the House that the Comptroller rules that the different items which go to make up this \$28,661,500, on page 11, are of no consequence and that the Post-Office Department can transfer the amounts appropriated as they please?

Mr. STAFFORD. Oh, no; but the gentleman does maintain that when we make a total appropriation, as we did last year, for all this character of service, carrying the amount of twenty-six millions—

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. Will the gentleman continue to yield to me?

Mr. MANN. Certainly.

Mr. STAFFORD. Last year the amount appropriated in this item carried \$26,390,200, which included that then carried for contract stations of \$235,000 for those of \$300 and under, and \$515,000 for those above the \$300 grade. That total appropriation of twenty-six millions and odd dollars was not the full amount that would have been computed if we had estimated for all the number of clerks at the respective salaries carried in the preceding items, because the committee does not grant the full amount of the annual rate of expenditure, because some of these clerks are put in the service at different times of the year and therefore the money is not needed at the beginning of the fiscal year, and the total estimate can be scaled down accordingly.

Mr. MANN. But has the Department the right to divert an appropriation included in that amount for a specific purpose and use it for some other purpose?

Mr. STAFFORD. But the Department has not diverted it. It has in no instance exceeded the allowance in the number of clerks that have been carried in the previous items. But the Department has the right, and there is nothing compulsory on the Department, to expend so much of the amount of money that is carried in any respective item as it determines.

Mr. MANN. I understand that.

Mr. STAFFORD. When we provide for so many clerks and

officials we do not say to the Department, "You must employ that number during the fiscal year." We naturally leave that to the discretion of the Department. Now, as far as these clerks in contract stations are concerned, we leave it to the discretion of the Department to place them where they believe the needs of the postal service demand; but the explanation of the inadequacy of appropriation is traceable to the fact that they have failed to give the committee a careful and correct estimate as to the total amount of appropriation necessary for the postal service so far as clerical service was concerned.

Mr. MANN. Now, if the gentleman will pardon me, maybe I can get at the information. Last year we appropriated \$235,000 for this item?

Mr. STAFFORD. Yes.

Mr. MANN. Contract stations above \$300. Is that \$235,000 now being used solely for the purpose of paying clerks in charge of contract stations?

Mr. STAFFORD. Some of it is and some may be used for other purposes.

Mr. MANN. That is what I wanted to know. By what authority is some of it being used for other purposes?

Mr. STAFFORD. Why, because that \$235,000 has been bulked in the total amount of \$26,390,200, which provides for all this service, and the prior items did not carry sufficient appropriation to pay for what they believed was necessary during the fiscal year and more urgently needed for the postal service.

Mr. MANN. Then the segregation of that sum into items is idle?

Mr. STAFFORD. I grant you that it was not as forceful as the method adopted in this bill.

Mr. MANN. That is not the law; that is not the ruling of the Comptroller.

Mr. STAFFORD. The committee this year, noting that there was that difficulty in the administration, has separated those items, so that it is no longer included in the total, but it is found now in two separate items, on page 12, whereby the Department can not use that money for any other purpose.

Mr. MANN. But I think the gentleman is mistaken in what the Department has done.

Mr. WANGER. That is already segregated.

Mr. OVERSTREET. The arrangement in the present bill now under consideration is a far better arrangement—

Mr. MANN. I am not complaining about that.

Mr. OVERSTREET. Than contained in the prior bill. While under the former law, as it was possible to use part of the \$175,000 for purposes other than the pay of contract station agents, it can not be used for any other purpose under the present bill.

Mr. MANN. How was it possible before? Do I understand the Committee on the Post-Office and Post-Roads to say that when we appropriate for so many clerks, and so forth, at \$1,200 each, that that means nothing—that the Department can use that money to pay clerks drawing \$1,300 salary?

Mr. OVERSTREET. But if in addition to the amount of money necessary to pay those clerks at those respective salaries you include a lump sum from which you may pay for contract stations, then that would leave a merged fund.

They had all the clerks given their respective salary during the year and it was all covered for contract stations. Now, the committee have further separated that, and made a still greater segregation of the fund, to the benefit, in our judgment, of the payment for contract stations.

Mr. MANN. Well, last year I asked the gentleman this same question, and moved to amend the appropriation by increasing it from \$235,000 to \$250,000. The gentleman from Indiana, in whom I have great confidence, informs me that the amount appropriated was sufficient for the service, and now it turns out that it is not sufficient.

Mr. OVERSTREET. I think it was, and the gentleman has stated it was by giving the expenditures.

Mr. MANN. I think there is not a dollar that is unexpended.

Mr. STAFFORD. I have given the amount in this statement.

Mr. MANN. But I am not talking about that.

Mr. STAFFORD. I am directing the attention of Members to this fact. There has been an understanding by Members of the House here that there is no fund available for that character of station. I wish to say that on January 10, although we had appropriated \$515,000 there had only been an expenditure at the annual rate of \$498,873, leaving a balance available of more than \$15,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I suggest to the gentleman that he claim the floor in his own right.

The CHAIRMAN. The Chair will recognize the gentleman from Wisconsin in opposition to the amendment of the gentleman from Illinois.

Mr. MANN. Now, will the gentleman permit me? He persistently talks about a proposition not before the committee. I have asked in reference to a proposition which is before the committee, and that is, whether there is any surplus fund for this purpose now?

Mr. STAFFORD. As to the appropriation for the grades in excess of \$300, there is no money at present available out of the fund appropriated.

Mr. MANN. That is what I was saying. The gentleman from Indiana corrected me, and said that it was available, upon the strength of the statement of the gentleman from Wisconsin; and the statement of the gentleman from Wisconsin is correct, but it would give an erroneous impression in the House.

Mr. STAFFORD. There is no money available so far as the item of appropriation for the grades above \$300 are concerned; but there is money available for those below. We have increased the appropriation carried last year from the amount of \$235,000 to the amount of \$250,000.

Mr. MANN. Increased it by \$15,000.

Mr. STAFFORD. We have increased it \$15,000; and we have increased the other item still more, from \$515,000 to \$525,000; and taking the annual rate of expenditure at \$498,000, or say \$500,000 even, it leaves \$25,000 additional that we have appropriated.

We have proceeded in this bill upon the recommendation of First Assistant Postmaster-General Hitchcock, made two years ago, that he believed that it was for the best interest of the service to have a larger number of these contract stations that received a small allowance, rather than too many of the higher grade, for he believed, and I believe with him, that it is better for the country and the service to have a greater number of small contract stations scattered about the city districts so as to be within easy reach of the patrons of the service, rather than to have a few large contract stations isolated and at a distance from their patrons. We have followed that recommendation by granting a heavier allowance, a heavier increase in the item of the \$300 grade than in the higher grade. I want to inform the House that we have followed that recommendation, nevertheless making provision for increases which are necessary to provide for all the present service in the \$400 grade and upward.

Mr. MANN. The gentleman understands that the Post-Office Department necessarily has some rules and regulations about the establishment of any station. Take a money-order and registry station amounting to more than \$10,000 a year, and there are not many post-offices in the country that have as large money transactions. The salary is \$600. The gentleman understands that money-order business at such stations, most of it, is foreign money orders. It is only by the greatest persuasion that it has been possible to persuade anybody to keep that place. Now, under the appropriation made in this bill it will not be possible to increase the salary according to the schedule made by the Department.

Mr. STAFFORD. We are providing \$15,000 for the very limited number of offices of that character. There are only a few.

Mr. MANN. The gentleman says that there are a limited number. I think I have twenty or twenty-five such stations in my district.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MANN. I ask unanimous consent that the gentleman have five minutes more.

There was no objection.

Mr. MANN. Now, it is absolutely impossible to maintain stations of this character. I have a letter in my hand from the postmaster at Chicago in which he says he has endeavored to locate a station there, but he had applied to the owner of drug stores in the locality, and as soon as they are fully informed as to the matter they declined it, and others who had formerly had them declined to keep the stations.

A few years ago I went to the Department and showed them a portion of my district that had a population of 10,000 people where you could not buy a postage stamp.

Mr. DRISCOLL. I should like to ask somebody—and I think the gentleman from Illinois can answer it—why these stations are opened right close to the central post-office, within a block or two, or very close by?

Mr. MANN. I may say to the gentleman that that is not done in Chicago. I do not know how it is elsewhere.

Mr. DRISCOLL. It is done in many parts of the country.



Is it because druggists want to advertise in that way and attract people into their stores? If that is the purpose of it, they should not receive large compensation.

Mr. MANN. They do not get large compensation in any event.

Mr. FITZGERALD. I wish to ask the gentleman from Wisconsin a question. He has made a very remarkable statement to the gentleman from Illinois, and I should like some light on it. In several places in this bill, for the convenience of Members—

Mr. COCKRAN. Mr. Chairman, a point of order. I submit that we are entirely unable to hear the conversation that is taking place between the gentleman from New York [Mr. FITZGERALD] and the gentleman from Wisconsin [Mr. STAFFORD].

Mr. FITZGERALD. I will say that in order to get into this discussion I had to come over on the Republican side.

Mr. COCKRAN. Will not the gentlemen take us into their confidence? Will not my colleague from New York come back here onto this side of the House, so that we can hear what he has to say?

Mr. FITZGERALD. No; I would not know anything about it if I were over there, and I want to see if I can find out anything.

Mr. MANN. We would not be unkind enough to say that that is the usual condition on that side of the House. [Laughter.]

Mr. FITZGERALD. There does not seem to be much hope, from the course of this discussion, that I will get the information I want.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] has the floor. Does he yield to any gentleman; and if so, to whom?

Mr. STAFFORD. I yield to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. At several places in this bill, for the convenience of Members or the post-office officials or the public, items run along and are then totaled and a gross sum is stated as the amount appropriated for a certain service, which is divided into several items.

Mr. COCKRAN. Mr. Chairman, I again suggest that it is impossible to hear what is being said by gentlemen over on the other side.

Mr. FITZGERALD. Does the gentleman from Wisconsin wish to inform the House that there has been a ruling that the mere totaling of the amounts appropriated in certain items gives to the Department a discretion to use that sum indiscriminately for any of the purposes preceding it?

Mr. STAFFORD. Not indiscriminately.

Mr. FITZGERALD. How discriminately?

Mr. COCKRAN. I again call the gentlemen to order. No one of us here has the slightest idea of what the gentleman from Wisconsin is saying to the gentleman from New York. Is there any way in which the House can obtain a knowledge of what is taking place?

The CHAIRMAN. The Chair will endeavor to maintain order in the Chamber, but the Chair can not control the positions which gentlemen take when speaking.

Mr. MANN. Mr. Chairman, I am unable to hear what the gentleman from New York [Mr. COCKRAN] is saying. [Laughter.]

Mr. STAFFORD. I was about to say, Mr. Chairman, in reply to the query propounded by the gentleman from New York [Mr. FITZGERALD], that they can not use that sum indiscriminately, because they are limited by the number of men provided and the appropriations provided in these respective items. Take, for example, any of the items prior to the stated total of appropriation found on page 11. For instance, the \$900 grade. We provide 7,379 at not to exceed \$900 each, and so on through the various classes. Now, we do not provide by appropriation for the total that each of the respective numbers of employees would carry if they all received that salary throughout the year, because, as I explained, in answer to a question from the gentleman from Illinois [Mr. MANN], they are not all placed in the service at one time, and as to some the amount is not necessary for the full year, and consequently the full amount is not appropriated. Now, in closing—

Mr. FITZGERALD. I do not want the gentleman to close so quickly. In the law for the current year is an item, clerks in charge of contract stations, at a rate of compensation above \$300 each, and not to exceed \$1,000 each, \$235,000. Has it been held that the Postmaster-General can expend, out of this total appropriation, more than \$235,000 for that specific purpose?

Mr. STAFFORD. I do not so understand it. He is not obliged to use all of the \$235,000, which is included in the total amount of \$26,390,200.

Mr. MANN. In other words, your total of \$26,000,000 was insufficient?

Mr. STAFFORD. It was insufficient in the full totals—

Mr. MANN. Your guess last year was a little too low.

Mr. STAFFORD. The estimate of the Department for clerical services was too low.

Mr. OVERSTREET. Mr. Chairman, I move that all debate on this paragraph close in five minutes.

Mr. MANN. I understood the gentleman from Indiana was to allow reasonable debate.

Mr. OVERSTREET. There is no amendment pending before the committee; it is merely matters of explanation, and it has been limited to two or three individuals, and I supposed they were about through.

Mr. MANN. I propose to offer an amendment.

Mr. OVERSTREET. Well, I will make it ten minutes, Mr. Chairman; I move to close all debate in ten minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that all debate on the paragraph and amendments close in ten minutes.

Mr. OVERSTREET. But there is no amendment.

Mr. MANN. I propose to offer an amendment.

Mr. CLARK of Missouri. Mr. Chairman, gentlemen on that side turn their backs to us, and no one can hear a word that is said.

Mr. OVERSTREET. Mr. Chairman, if I may be permitted to make a suggestion, it seems to me that we will make better progress if gentlemen will offer amendments and speak to them instead of making pro forma amendments.

The CHAIRMAN. The debate on the present amendment is exhausted.

Mr. MANN. Mr. Chairman, I move to amend by striking out the word "fifty," in line 8, page 12, and inserting the word "seventy-five."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 12, line 8, strike out the word "fifty" and insert "seventy-five," so that it will read "\$275,000."

Mr. MANN. I wish the committee would accept this amendment. The Post-Office Department has its rules, and they can not increase anybody's salary above what the rule provides. It only takes care of the increase authorized under the regulations and can not be used as a fund in any way. The increase proposed this year is not sufficient.

Mr. OVERSTREET. If the gentleman will permit me—

Mr. MANN. Certainly.

Mr. OVERSTREET. The highest recommendation of the Department for all the service of contract stations embodied in both of these paragraphs aggregated \$795,000, and when the official before the committee was asked the direct question how he would separate the increase of \$45,000, which was the total of his recommendation, he said he would make it \$270,000. Now the gentleman's amendment provides for \$275,000.

Mr. MANN. I am willing to make it \$270,000.

Mr. OVERSTREET. That is the highest recommendation of a Department which is the most liberal in recommendations of any Department of my acquaintance in the service.

Mr. MANN. But the gentleman must understand that the Department establishes no stations under this clause; the stations are all established under the other clause. The increase is simply for use in accordance with the regulations fixed by the Department, and it seems to me where the business increases, where the man is told that when he reaches a certain amount he will have an increase in the salary, the Department and the Government should keep faith with him. It can not increase the expenses of the Government except in accordance with the regulations and scale fixed by the Department. Is it not fair to these people, is it not for the interest of the service, to pay them the amount that they are told they will receive when the business reaches that point?

Mr. OVERSTREET. If the gentleman will make it \$265,000—

Mr. MANN. Mr. Chairman, I will modify my amendment, if I may, and make it \$265,000 instead of \$275,000.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to modify his amendment in the manner which the Clerk will report.

The Clerk read as follows:

Line 8, page 12, strike out the word "fifty" and insert the word "sixty-five."

Mr. OVERSTREET. I have no objection to that amendment.

The question was taken, and the amendment was agreed to.

Mr. OLCOTT. Mr. Chairman, I ask unanimous consent to

have a letter in connection with this subject, and also a bill introduced by my colleague, Mr. BENNET, printed in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to print a letter and the bill which he mentions in the RECORD. Is there objection?

There was no objection.

The matter referred to is as follows:

NEW YORK, February 27, 1908.

Hon. VAN VECHTEN OLCOTT.

DEAR CONGRESSMAN: Bill No. 14369, BENNET, is now before Congressman OVERSTREET's committee, and is deserving of your most favorable consideration.

During last year we registered 2,100 letters, sold \$8,000 in stamps, mostly in small quantities at a time, and issued 1,025 money orders. During the Xmas holidays we weighed 600 packages.

Our total allowance from the Government is at the rate of \$4 per week.

The public is deriving great conveniences from these substations, and, noticing this fact, the demands of the public are becoming more and more, and it requires a pretty intelligent and responsible person to attend to a substation properly. Considering further that the Government pays us no rent, and that we take all responsibility in case of theft or robbery, the Government being no loser, these substations would still be very cheap at the new rates as stated in the bill before Congressman OVERSTREET's committee, while our present compensation is not a fair one.

Earnestly hoping that you will give this bill your kind consideration and support, I am,  
Respectfully,

FRED K. KLEINSCHMIDT.

[H. R. 14639. Sixtieth Congress, first session. In the House of Representatives, January 21, 1908.]

Mr. BENNET of New York introduced the following bill, which was referred to the Committee on the Post-Office and Post-Roads and ordered to be printed:

A bill to classify certain grades in numbered post-office stations.

*Be it enacted, etc.,* That numbered stations doing post-office business of not over: Class 1, \$1,000 worth of money-order business, 500 money-order business and registry transactions, and selling \$1,000 worth of stamps, salary to be \$100; class 2, \$1,500 worth of money-order business, 1,000 money-order business and registry transactions, and selling \$2,000 worth of stamps, salary to be \$200; class 3, \$2,500 worth of money-order business, 1,500 money-order business and registry transactions, and selling \$4,000 worth of stamps, salary to be \$300; class 4, \$3,000 worth of money-order business, 2,000 money-order business and registry transactions, and selling \$6,000 worth of stamps, salary to be \$400; class 5, \$5,000 worth of money-order business, 3,000 money-order business and registry transactions, and selling \$8,000 worth of stamps, salary to be \$500; class 6, \$7,000 worth of money-order business, 3,000 money-order business and registry transactions, and selling \$12,000 worth of stamps, salary to be \$600; class 7, \$9,000 worth of money-order business, 4,000 money-order business and registry transactions, and selling \$16,000 worth of stamps, salary to be \$700; class 8, \$12,000 worth of money-order business, 4,500 money-order business and registry transactions, and selling \$20,000 worth of stamps, salary to be \$800; class 9, \$15,000 worth of money-order business, 5,000 money-order business and registry transactions, and selling \$25,000 worth of stamps, salary to be \$900; class 10, over above amounts, salary to be \$1,000.

In adjusting salaries 500 money-order business and registry transactions shall rate equivalent to \$3,000 worth of stamps sold.

Mr. McDERMOTT. Mr. Chairman, I ask unanimous consent to go back to page 12, lines 2, 3, and 4, for the purpose of offering an amendment.

Mr. OVERSTREET. Let us hear the amendment read first.

The Clerk read as follows:

Amend page 12, line 2, by substituting the word "eight" for "seven."  
Amend page 12, line 3, by substituting the word "seven" for "six."  
Amend page 12, line 4, by substituting the word "six" for "five."  
So that lines 1, 2, 3, 4, and 5, page 12, will read, "Watchmen, janitors, and laborers, 430, at \$800 each; 225, at \$700 each; and 100, at \$600 each; in all, \$561,500."

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to return to page 12, lines 2, 3, and 4, for the purpose of offering an amendment, which the Clerk has reported.

Mr. OVERSTREET. I object.

The CHAIRMAN. The gentleman from Indiana objects. The Clerk will read.

The Clerk read as follows:

Clerks in charge of contract stations, at a rate of compensation not to exceed \$300 each, \$525,000.

Mr. BENNET of New York. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Indiana [Mr. OVERSTREET] or the gentleman from Wisconsin [Mr. STAFFORD] if their committee intends at this session to give a hearing on the bill which my colleague, the gentleman from New York [Mr. OLCOTT] has just obtained permission to print in the RECORD.

Mr. OVERSTREET. Does the gentleman refer to the famous Bennet bill to classify the contract-station clerks?

Mr. BENNET of New York. Omitting the word "famous," I refer to that bill.

Mr. OVERSTREET. Mr. Chairman, I think it is entirely unfair for any Member to force the chairman of the committee to be put in the light of opposing legislation, but I know of no man who is more ready to take responsibility, if it belongs to him, than I am; and, in view of the methods which the gentleman

from New York [Mr. BENNET] has to-day assumed to try and secure hearings, I will state that I can not tell what the committee may recommend, but that I shall oppose hearings upon that bill.

Mr. BENNET of New York. Mr. Chairman, I am very sorry that the chairman of the committee has taken that attitude. It seems to me that my inquiry was a perfectly proper one at this time. It is my recollection that I have applied before for a hearing, and the request seemed to me to be a simple one. Any committee has the right to refuse hearings, and any member of the committee has the right to say that he will vote to refuse a hearing. I do not know, of course, what attitude the committee will take, beside the chairman taking the attitude he has in regard to me, personally. If I thought my inquiry at this time would cause him any embarrassment or even indignation, I am very frank to say it would not have been made in this way. I simply wanted to get the information and felt sure that other Members of the House would. I think the bill itself is a good one, and that there ought to be that classification. Of course, as the chairman says, he can not be forced at this time to say what he will do or what the committee will do. I withdraw the pro forma amendment.

The CHAIRMAN. The clerk will read.

The Clerk read as follows:

For temporary and auxiliary clerk hire at first and second class post-offices, and temporary and auxiliary clerk hire at summer and winter resort post-offices, \$240,000.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word for the purpose of making an inquiry. I want the gentleman in charge of the bill to explain what he means by the language on lines 17 and 18 on page 12, "temporary and auxiliary clerk hire at summer and winter resort post-offices," which attracted my attention, because I have had trouble about that summer resort question. A great many people from Nashville, my home, go to Mount Eagle Assembly, Tenn., which is a summer resort for church people principally. There are thousands of church people in Nashville and in Tennessee and all over the South, who attend this summer resort, and a great many have written to me asking about having a better mail service, for the people within the limits of these inclosed grounds. I have never been able to find any law or any regulation of the Department to cover that kind of a case.

Mr. OVERSTREET. May I inquire of the gentleman if there is a post-office in that particular place?

Mr. GAINES of Tennessee. Oh, yes; Mount Eagle, while not a large place, has three or four thousand people.

Mr. OVERSTREET. It is not important whether or not it is a first or second or third or fourth class office, because this applies to post-offices of all classes that are located at summer and winter resorts, where, during the resort season, there is an unusual amount of business at the office.

Mr. GAINES of Tennessee. I will state to the gentleman this, that the church premises, as they may be called, at Mount Eagle, are in an inclosure and the Mount Eagle post-office is on the outside. The association is maintained by people who, when they go there, must pay so much for a ticket. They are given summer tickets, and the tickets are punched when they go in or go out and return, so that when they go and get their mail these five or six thousand people on the inside of the premises have to have their tickets punched two or three or four times a day, going in and out. This is a great burden on the people who go there in these mountains, that splendid and beautiful place, to rest and attend church and lectures, and be quiet during the hot summer months that we have in that country.

They have asked me to try to get relief, and hence I have spoken about it. I have had requests from Colonel Shook, one of the officers, and from the late Major Thomas and Captain Pilcher, another officer, who live in Nashville, and a host of other people. I do think that the Post-Office Committee, or Congress, to be entirely general, should take up such cases and provide a law that at least a temporary rural carrier can be employed on the inside of these grounds. That is what I have been trying to get—to get some kind of a carrier who could come through and get that mail and distribute it among the acres of houses inhabited by 5,000 or 6,000 people. Now, then, you have an appropriation here for summer-resort and winter-resort post-offices. Will this appropriation cover that kind of a case?

Mr. OVERSTREET. I do not think it would cover the case where there would be a carrier appointed to carry the mail from the post-office out to this Chautauqua, or whatever the association may be.

Mr. GAINES of Tennessee. Now, then, there is another



trouble right there. That mail carrier will not go inside to take that mail, because he has to have a ticket, and the rule of the association, or the law, is that that ticket has to be punched. The Government will not send a man to carry the mail into such premises.

Mr. OVERSTREET. I do not think there will be any authority under this appropriation, either for the mail carrier or for the punching of the tickets.

Mr. GAINES of Tennessee. Is there any law on the subject that would relieve that kind of a case?

Mr. OVERSTREET. I do not think there is.

Mr. GAINES of Tennessee. Does not my friend think there should be?

Mr. OVERSTREET. I do not know. If an association, educational, religious, or otherwise, seeks to have an organization holding its meetings out from the towns or cities, within inclosures, requiring pay for tickets for patrons, I do not know that it is within the province of the Government to hire employees to carry the mail out to them or to pay for their tickets of entry.

Mr. GAINES of Tennessee. Just a moment. The Department will not let them have a post-office on the inside. They are obliged to go outside, and they are obliged to have the gate and the fence and the ticket charge in order to get a revenue.

Mr. OVERSTREET. How long does that organization continue?

Mr. GAINES of Tennessee. It continues from about the middle of April until about the 1st of October.

Mr. OVERSTREET. It is very difficult to frame a general statute covering all of that character of cases. There are undoubtedly cases of considerable merit, but when you come to frame statutes it is so complicated that it is almost impossible to do it satisfactorily.

Mr. GAINES of Tennessee. Does the gentleman think that there are enough Chautauquas in the United States—and that is practically what this is—to have what you might call a "Chautauqua law," or "Chautauqua service," or "Chautauqua statute," of some sort?

Mr. OVERSTREET. The gentleman will appreciate that is a pretty large subject, and you could not satisfy everybody.

Mr. GAINES of Tennessee. This is an assemblage of great and good people, Mr. Chairman, and they have repeatedly appealed to my colleague, as well as to myself, for relief. Many of my people go there, and they have called on me, very naturally, and they have called on our Senators. I know that my distinguished and able colleague [Mr. Moon] has had the matter in charge. We have conferred together. We do not find any law, and I challenge this matter to the attention of my good friend from Indiana [Mr. Overstreet] and the committee, that you may have the facts that I have stated in a hurried way before you, and I do hope sincerely that at an early date you may take this subject up and give relief.

The Clerk read as follows:

For allowance to third-class post-offices to cover the cost of clerical services in offices where the salaries of the postmasters range from \$1,000 to \$1,500, \$500,000: *Provided*, That no allowance in excess of \$200 shall be made where the salary of the postmaster is \$1,000, \$1,100, or \$1,200; nor in excess of \$300 where the salary of the postmaster is \$1,300, \$1,400, or \$1,500.

Mr. HINSHAW. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee something about this item. There have been many communications received by all of us, I suppose, in reference to increase of salary or clerk hire for third-class postmasters. This is an appropriation in a lump sum, and I would like to know whether this will increase the salary of the third-class postmasters throughout the country, and how much?

Mr. OVERSTREET. Mr. Chairman, under the law there are four divisions of the third-class post-offices under which appropriation allowances are made to cover cost of clerical hire.

In offices where the salaries of postmasters are \$1,000, \$1,100, and \$1,200 a year, not to exceed \$200 may be allowed in any one office to cover the cost of clerical hire. In the second group, with \$1,300, \$1,400, and \$1,500 a year salaries, a maximum of \$300 may be allowed. In the third group, where the salaries are \$1,600 and \$1,700, an allowance may be made not to exceed \$400, and in the fourth group, where the salaries are \$1,800 and \$1,900, an allowance not to exceed \$500 may be given to cover the cost of clerk hire. The committee found upon inquiry that the appropriations that had been carried for some years were not sufficient to warrant anything like the maximum allowance in any of these cases to be granted, and in any event no great per cent could enjoy the maximum allowance.

Where third-class offices are just about ready to ripen into second-class offices the burden of work upon the postmaster of the office is almost as great as in a second-class office just after

it has ripened from a third class. Therefore the allowance which the Government has made for the third-class post-offices of the higher classes just approaching the second class will greatly benefit them.

There is no great justification for a high allowance for clerical cost of the lower classes of the third class. Therefore the committee concluded this year to separate the total allowance for third-class offices into two groups, one group to be covered by offices of the third class, where the salaries of the postmasters are from \$1,000 to \$1,500, inclusive, leaving the schedule for those offices the same as it is now. That is, where the office is \$1,000, \$1,100, and \$1,200, not to exceed \$200 a year, and where the salaries are \$1,300, \$1,400, and \$1,500, not to exceed \$300 per year; but they make for that first division, covering these groups of third-class offices, an allowance of \$500,000, and for the second of these divisions, covering the offices where the salaries are \$1,600 to \$1,900, inclusive, we make an allowance of \$625,000. In the second division are the offices upon which will fall the heavy burden of the service in offices approaching the second class. An allowance of \$625,000 is made for this group of offices. This will permit the maximum pay in offices of this division, where the salaries are \$1,600, \$1,700, \$1,800, and \$1,900 in over 90 per cent of such offices.

The appropriation of \$500,000 for the lower grades of third-class offices will permit the maximum pay of \$200 in the offices where the salaries are \$1,000, \$1,100, and \$1,200, and the maximum of \$300 where the salaries are \$1,300, \$1,400, and \$1,500, in 50 per cent of the offices of that division.

The total appropriation has been increased by the committee by \$325,000 over the current law. It is believed that relief is deserved in these third-class offices. It is believed further that the committee has made reasonable and perhaps adequate allowance to afford the proper relief.

Mr. RUSSELL of Missouri. May I ask the gentleman a question?

Mr. OVERSTREET. I was speaking in the time of the gentleman from Nebraska. I will take time in my own right.

Mr. RUSSELL of Missouri. I am interested as the Representative of my district in these third-class post-offices, and have had several letters from postmasters upon the subject now being considered. I desire to ask who it is that determines the pay that they are entitled to for clerk hire in the third-class offices?

Mr. OVERSTREET. Well, the law itself fixes the maximum allowance under the schedule which I have just explained. Then the First Assistant Postmaster-General determines the allowance upon the character and volume of the business of these respective offices.

Mr. RUSSELL of Missouri. I understand there is a minimum and a maximum allowance for that purpose.

Mr. OVERSTREET. The law fixes the maximum.

Mr. RUSSELL of Missouri. The postmaster in the particular town where I reside writes me that the receipts of the office approach very nearly to the amount that would make it a second-class office. That is, they are almost \$8,000 a year, at which point I believe an office becomes second class; but under the law he has been permitted to receive only \$360 a year for clerk hire.

Mr. OVERSTREET. I have just explained to the committee that the provision of the bill we are now discussing allows enough money to pay clerk hire to third-class offices, which would include the office that the gentleman refers to, a maximum allowance of \$500 in 92 per cent of the cases.

Mr. RUSSELL of Missouri. That is the question I wanted to ask. My postmaster writes me—and I have the letter before me now—that he understands that the Postmaster-General or one of the assistants recommended an appropriation of \$2,000,000, and he understands that this amount, if appropriated, would authorize the Post-Office Department to pay him an increased amount, which is, I think, in his case very just. I see by the provisions of this bill the appropriation asked for is only \$1,125,000, and may even forbid the payment to third-class postmasters the present maximum rates.

Mr. OVERSTREET. No; the \$2,000,000 recommendation carries with it a second recommendation, to repeal the schedules provided by law and give them a lump sum of \$2,000,000 and let them fix their own maximum and minimum allowances. The committee has felt that it is well to maintain the schedule which the law has carried for some years, but has appropriated enough money, in the judgment of the committee, to permit the maximum allowance in the higher grade third-class offices in over 90 per cent of the cases.

Mr. RUSSELL of Missouri. The chairman of the committee, then, believes that this appropriation we are making will jus-

tify the Department in paying the maximum amount of clerk hire now authorized by law if the work justifies it?

Mr. OVERSTREET. To the extent of about 92½ per cent of the cases. It would not in 100 per cent of the cases, but if the appropriation is sufficient to pay the maximum in 92 per cent of the cases, why, naturally, there would be some offices that would not receive the full maximum, and perhaps they would not deserve the full maximum, while others would receive it.

Mr. RUSSELL of Missouri. Mr. Chairman, it seems to me, and it seems to my friends in my district, that there is an unjust discrimination in the payment to postmasters for clerical hire in the third-class post-offices, for the reason, as this gentleman writes me, that the receipts of his office are now about \$7,000 a year, approaching nearly the place where it will be entitled to become a second-class office, and that he has been paid for clerical hire only \$360 per annum. The maximum amount that he can receive, if this appropriation is sufficient to permit it, will be \$500 a year; but with an increase of \$1,000 in receipts in that office it would become a second-class office, and then the minimum allowance would be \$1,300 for clerk hire. So it seems to me that there is, under the present law, an unjust disparity in the payment of the clerical hire in these different classes of post-offices. I was especially anxious to know whether this appropriation would justify or permit the payment of the maximum amount now allowed by law, which is \$500, or \$140 more than has heretofore been paid to the postmaster in my home town.

I desire to protest against this great and very unjust discrimination in the allowance for clerk hire in favor of the second-class offices and against the third-class offices, that in many cases do almost the same volume of business as the second-class offices. The same service deserves the same remuneration wherever performed.

Mr. CRUMPACKER. While the gentleman is discussing hardships in the service I want to suggest to him that in the town of Gary, in northwestern Indiana, there is a post-office of the fourth class. The emoluments of the postmaster are \$999 a year, and it costs him \$1,700 a year for rent, light, fuel, and clerk hire to administer the office. He still holds on to it. We hope in a few weeks that it will go into the third class. But that situation is extraordinary. The postmaster is paying out of his pocket \$700 or \$800 a year more than he receives from the Government, to handle the office. I think a special allowance has been made out of the "unusual" fund of \$200. The officer in charge of the salary and allowance business at the Post-Office Department told me that that postmaster had been a little backward about coming forward. He said he recognized the fact that the situation at Gary was extraordinary, and he would send an inspector out and might possibly allow the postmaster a little more money. It will be a third-class office before long, and I suppose that now the postmaster receives his pay largely in the honor that comes to him in being postmaster of the town of Gary.

Mr. MANN. In the gentleman's district?

Mr. CRUMPACKER. Yes.

Mr. MANN. That is adjoining my district, and that is distinction enough for anybody. [Laughter.]

Mr. FINLEY. Mr. Chairman, I offer the following amendment, which I send to the desk.

The CHAIRMAN. Without objection, the pro forma amendment of the gentleman from Nebraska is withdrawn, and the gentleman from South Carolina offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Page 13, line 2, before the word "thousand," insert the word "twenty-five," so that it will read "\$525,000."

Mr. OVERSTREET. I have no objection to that amendment, Mr. Chairman.

The question was taken, and the amendment was agreed to.

Mr. YOUNG. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Indiana a question. Does the gentleman think there is any danger that this proviso as to the amount which may be allowed might be construed as a limitation upon the allowances other than those contained in this paragraph?

Mr. OVERSTREET. Not at all; it is impossible for it to be construed that way.

Mr. YOUNG. Has it been construed by the Department in the past?

Mr. OVERSTREET. I can not see how it is possible. For instance, a third-class office may have an allowance under the appropriation for separating the mails, and may have an allowance from the appropriation under the appropriation for unusual conditions. They are all different appropriations and under different conditions which may prevail.

Mr. YOUNG. The language is general—that "no allowance in excess of \$200," etc.

Mr. OVERSTREET. It is a limitation on this particular appropriation contained in this paragraph.

Mr. YOUNG. Will the gentleman have any objection to an amendment, "Provided, That no allowance under this provision," and so forth?

Mr. OVERSTREET. I should object to that, because if that were permitted I should feel that it would be necessary to go to every other paragraph in the bill where it might be possible to construe it otherwise.

Mr. YOUNG. I understand the gentleman from Indiana to say that this has been practically construed in former bills as applying to this paragraph.

Mr. OVERSTREET. I know in a general way that the allowances to these offices are made from different funds.

Mr. YOUNG. And all taken together they exceed this limitation.

Mr. OVERSTREET. I have no particular case that I can cite directly, but I have not the slightest fear of any such a construction.

Mr. MANN. This has been practically the permanent law for years.

Mr. OVERSTREET. Yes. I understand the gentleman from Michigan to ask if the allowance has been made, where the total amount is in excess of this, in the schedule.

Mr. YOUNG. That is it.

The Clerk read as follows:

For rental or purchase of canceling machines, including cost of power in rented buildings, motors, repairs to motors, and miscellaneous expenses of installation and operation, \$300,000.

Mr. KÜSTERMANN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 12, page 14, amend to read as follows: "Eight hundred thousand dollars: *Provided, however,* That after the expiration of the present contract no canceling machines shall be used in any post-office unless the same shall be acquired by purchase."

Mr. OVERSTREET. I reserve a point of order.

Mr. KÜSTERMANN. A few days ago, Mr. Chairman, I referred to this matter of the renting of canceling machines and pronounced it a poor business method. I am in favor of all machines that may add to the efficiency of the work in any Department, but I protest against the renting of these machines. They ought to be acquired by purchase. As I stated the other day, there are now in use in the post-offices of the country 1,540 machines, at an annual rental of \$256,920. They are now asking \$300,000 for the same purpose.

Now, I find in looking over the report of three years back that these firms that have rented these machines have been good to us in some ways; they have not raised the rental except in a few cases, but they have not, whenever the number of machines in use has increased, lowered the price. I herewith submit a detailed statement showing the number and rental price each per annum of the several kinds of canceling machines contracted for by the Department for use in the fiscal years beginning July 1, 1904, 1905, and 1906:

Made by—	1904-5.		1905-6.		1906-7.	
	Num-ber.	Rent.	Num-ber.	Rent.	Num-ber.	Rent.
International Postal Supply Co., New York, N. Y.:						
Hey & Dolphin "Flier".....	250	\$400	250	\$400	254	\$400
Hey & Dolphin model "S".....	None.		None.		50	150
Hey & Dolphin model "L".....	50	100	54	100	100	90
American Postal Machines Co., Boston, Mass.:						
Combination.....	64	150	120	150	225	150
Drop-feed.....	400	110	410	110	375	100
Hand-power.....	None.		50	80	100	80
Columbia Postal Supply Co., Silver Creek, N. Y.:	60	150	65	150	67	150
Barry Postal Supply Co., Oswego, N. Y.:	75	150	75	150	71	150
Barr-Fyke Machine Co., Kansas City, Mo.:	37	150	None.		None.	
Time Marking Machine Co., Chicago, Ill.:	None.		None.		6	300
Total.....	936		1,024		1,248	

As is shown in the foregoing statement, the American Postal Machine Company, of Boston, furnished in 1904 sixty-four machines of the so-called "Combination" at a rental of \$150 a year. They are now furnishing 225 of the same kind and pattern at the same rental per machine, thereby making no reduction for a greatly increased number of machines. I say that we ought to buy these machines or not use them at all. We should return to the old methods of cancellation if the manu-



facturers of these machines continue to "hold up" the Government and demand exorbitant rental instead of permitting the Government to buy them outright. There is to-day in the Washington post-office a canceling machine doing good work which was procured from Europe, and it is being offered at outright sale for \$800, while a similar machine is rented to us by some of these postal supply companies for \$400 a year. I say it is high time to take steps to check this high-handed method of giving away the people's money.

I have in my amendment asked for an appropriation of \$800,000 for the purchase of all machines necessary for the postal service, which is but \$500,000 more than is asked for the mere rental of these machines. I believe that the \$800,000 will buy every necessary machine, and that there will be quite a sum left over.

Mr. STAFFORD. Mr. Chairman, I took pains the other day to listen attentively to my distinguished colleague when he made his criticism of this item for the rental and purchase of canceling machines. I regret that I can not follow him to the extent that he recommended, that it would be more economical for the Government, even though it could not purchase these high-grade Hey & Dolphin "Flier" machines, for which we pay an annual rental of \$400, to discontinue their use and place employees in the offices and have the stamps canceled by hand. Any person who is acquainted with the work of this expert machine, which is patented, must know that it would require very many men by hand to perform the work that is performed by this one machine, which cancels in the neighborhood of a thousand stamped envelopes a minute, and further, it would clog the mails of the large offices if we were to go back to the old days of having the poor grade machines for cancellation. There are five or six different makes in use in the Post-Office Department, but there is only one machine that has that high record, and the Department is forced to use it because of the congested conditions which confront the postal service during the closing hours of the mail in all of our large cities.

The Post-Office Department places these high-grade machines in the offices where they are most urgently needed. Take, for instance, the conditions in New York, Chicago, Boston, Philadelphia—in fact, any of the largest offices in the country—and the mail comes in during the hours from 4 to 6 in the afternoon in such quantities that it is imperatively necessary to use this exceptionally high-speed machine, else the mail of the country would be delayed in many instances just twenty-four hours in its dispatch. Any person who has visited the Chicago or the New York office at the closing hours of the day, when the mail comes in by tons—first-class mail, not newspaper mail—will know that it is necessary to have that mail dispatched to the respective routes as quickly as possible. It would be idle for any person to say that we should resort to the old-time methods of hand cancellation.

Now, what is the condition as to this Hey & Dolphin "Flier," for which we pay an annual rental of \$400? Mr. Postmaster-General Wanamaker attempted to purchase these canceling machines, but the owners of the patents declined, and for a period of time they were withdrawn, I believe, if my recollection serves me right, for at least one year, by order of Mr. Wanamaker, in his efforts to compel the owners to sell the machines outright to the Government. The result was that the service was hampered, and Postmaster-General Wanamaker was forced to reinstall those machines, because it was urgently necessary to expedite sending the mails.

The Department has the privilege of purchasing under this item for rental or purchase, and if my colleague is acquainted with the conditions in the service to-day he knows that the Government has in its possession as owner certain low-grade machines, but it is absolutely impossible to get the right of ownership of these high-grade machines. What is the practical question before the committee and before the Department? Either to go back to an obsolete method and cancel stamps by hand or to use inferior grade machines that will retard the mail service, or by using these high-grade machines, over which the patentees have an absolute control, and obtain efficient and expeditious service.

Mr. SULZER. Mr. Chairman, I wish to ask the gentleman a question. How many of these canceling machines are now used by the Government?

Mr. STAFFORD. One thousand two hundred and forty-eight on February 14 of last year.

Mr. KÜSTERMANN. One thousand five hundred and forty.

Mr. STAFFORD. I beg to say that 1,248 machines were in use on February 14, 1907.

Mr. SULZER. How much rental a year does the Government pay for each machine?

Mr. STAFFORD. At the present time there are 1,540 ma-

chines in use, of which 259 are the Hey & Dolphin "Flier," for which we pay a rental of \$400, amounting to \$106,300; 72 machines made by the same company, known as model "S," for which a rental of \$150 is paid; another model manufactured by the same company, model "L," of which 183 are in use, for which we pay a rental of \$90; another made by the American Postal Machine Company of Massachusetts, known as the "Combination," of which 385 are in use, and for which we pay a rental of \$150; another, known as the "Drop-feed" machine, made by the same company, of which 286 are in use, and for which we pay \$100 in rental.

Mr. NORRIS. That is \$100 each a year.

Mr. STAFFORD. Yes; each year. Another, known as the "Hand-power" machine, of which 215 are used, at \$80 a year; another, manufactured by the Columbia Postal Supply Company, at Silver Creek, N. Y., of which 68 are in use, and for which we pay \$150 annual rental. The Barry Postal Supply Company, of Oswego, N. Y., makes another, of which there are 62 in use, and for which we pay a rental of \$150. Then there is a machine made by the Time Marking Machine Company, of Chicago, of which we have 10, and for which we pay an annual rental of \$300. I wish to say that these lower-priced machines are the machines that do not cancel stamped letters and postal cards with any such speed as do the higher-priced machines, such as the Hey & Dolphin "Flier" and the time-marking machine manufactured at Chicago.

The speed of those machines is something like ten times, if my memory serves me correctly, of that of the lower-priced machines, the lower-priced machines being installed, as I stated a minute ago, in the smaller offices, and used during the slack times of the day in the larger offices. And I wish to say that under the contract of rental the owners of the machines are obliged to keep all the parts in repair.

Mr. SULZER. So I understand. But, Mr. Chairman, I wish to ask another question in this connection. I wish to know from the gentleman, if he has the information, whether any effort has been made on the part of the Government to purchase these canceling machines?

Mr. STAFFORD. The Government has in use to-day a number of canceling machines known as the "Doremus type," purchased many years ago, and which did not prove very efficacious in their operation. They are found at present in the smaller post-offices. The committee inquired of the First Assistant Postmaster-General two years ago when this matter was under consideration as to what efforts had been made to purchase these machines, and, as I recall, he said it was impossible to obtain by purchase any of these high-grade machines, because the owner of the patent absolutely refused to sell them. They still maintain the same position they maintained when Postmaster-General Wanamaker was at the head of the Department.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. Postmaster-General Wanamaker, as I stated a minute ago, sought to force the owners of these machines to sell them, and they absolutely refused. They were withdrawn from the service for a period of at least a year, and the Department was compelled to have them put back in the service. And I would like at this moment to direct the attention of my colleague to the debates of three or four years ago, when he will see that at that time I called the attention of the House, when the matter was under consideration, to the difficulty that confronted the Department, and that the remedy was not by hampering the postal service and compelling the Post-Office Department to have the stamps canceled by hand, but by changing the patent laws so as to give the Government—not only in this case, but in any case—the right of appropriation at a reasonable compensation when it has use for any patented device. It is not the place here, and it is not the proper way, to seek by amendment something that might hamper the postal service and will cause millions and millions of letters to be delayed in their transit.

The very purpose of the whole service is to expedite the mail wherever it is practicable. We have established fast mail trains, for which we pay large compensation, so as to bring the mails to the large business houses twelve hours in advance of what it would be if they had the slower conveyance.

Mr. SULZER. Just a word. I am substantially in accord with the gentleman's remarks regarding a change in the patent laws. I have been on the Patent Committee of this House for several years, and I have advocated a change in the patent

laws, to the effect that when the Government gives a monopoly to an inventor, and the Government needs the invention for its own use, the Government shall have the right to use the invention at a reasonable consideration. But the question I want the gentleman to inform me about is this: I want to know whether an effort has been made to buy these machines from the owners, and if no attempt has been made, why it has not been made?

Mr. STAFFORD. I believe it was disclosed in the hearings, though I would not trust my memory absolutely on that fact—it was not brought out in the hearings this year, but I believe in prior hearings—that such an effort was made and the Department was unable to purchase the machines.

Mr. SULZER. Mr. Chairman, now another question. No doubt the gentleman has made careful investigation into this matter, and I would like him to tell us, if he can, whether, in his opinion, these rental charges are reasonable or unreasonable.

Mr. STAFFORD. If the gentleman wants to know my opinion about it, I will say frankly that the rental charge of this high-grade machine is more than I would say was compensatory, but it is the condition that confronts any user of a patented article that the patentee has the right to charge that rental which he can obtain for the service.

Mr. SULZER. In other words, the owner of these machines, on account of the Government granting him a patent, which is a monopoly, is charging the Government extortionate rentals.

Mr. STAFFORD. I would not say extortionate, but high rental, but only for one grade of machine, not for those where the rental is \$150 or thereabouts, but merely for the high-grade machine.

Mr. SULZER. Then the gentleman's judgment is that the rents for some of the machines are exorbitant?

Mr. STAFFORD. Not exorbitant, but higher than they would be if there was no patent. The gentleman well knows that a patentee charges a higher price, as he has a monopoly in the manufacture and sale, than would be charged if no such privilege was granted him by the patent laws.

Mr. SULZER. Mr. Chairman, then it seems to me that the only remedy to prevent these high rentals by the owners of these canceling machines is to change the patent laws so the Government can use them at a reasonable rental charge; especially if the Government can not purchase the machines at a fair price. I indulge the hope that the officials having this matter in charge will give it careful investigation.

Mr. DRISCOLL. There is no difficulty, in extending patents, to protect the Government in these cases.

Mr. CRUMPACKER. I do not know as to that.

Mr. MANN. Will the gentleman from Wisconsin permit me to interrogate the gentleman from New York?

Mr. STAFFORD. I will, gladly.

Mr. MANN. Is the gentleman familiar with the bill reported from the committee of which he is a distinguished member, extending the power of the patentee against the Government under such restrictions—

Mr. SULZER. No; I know of no such case. I am opposed to it, and I hope the gentleman will stand by me in opposition to it.

Mr. MANN. It was not reported by the committee of which I am a member. It came from the committee of which the gentleman is a distinguished member.

Mr. SULZER. The bill has not been reported with my consent.

Mr. MANN. I hold the report in my hand [laughter], and for the benefit of the gentleman in order to help him along, I will say it is report No. 184, and I commend it to his consideration.

Mr. SULZER. Let me see it.

Mr. MANN. It is my copy.

Mr. STAFFORD. I was giving my views to the committee about the patent.

Mr. MANN. I want to get the gentleman from New York on my side on that bill.

Mr. SULZER. Mr. Chairman, I want to say to the gentleman from Illinois that he can count on me to be with him in opposition to the bill to which he refers. I am now, and always have been, opposed to any extension of a patent. I want to say that while I have been a member of the Committee on Patents I have always opposed, in season and out of season, any extension of a patent, because a patent is a monopoly, and I am opposed to any extension of a monopoly. I know nothing about the bill the gentleman refers to, but I trust when the bill comes up, if it does come up, that my friend from Illinois will help me defeat it.

Mr. DRISCOLL. What kind of a bill was it?

Mr. SULZER. I have just seen it, and will say that the bill

was introduced by a distinguished Republican Member of this House [Mr. DALZELL] and reported by a Republican member of the committee.

The CHAIRMAN. To whom does the gentleman from Wisconsin yield?

Mr. STAFFORD. I yield to the gentleman from Indiana.

Mr. CRUMPACKER. I wanted to say something about the change of patent law. It looks to me like the Government is being held up by the manufacturer of these canceling machines; but there is no principle better settled in law than that an invention is property, and patent right can no more be confiscated or taken by the Government than any other class of property. I doubt the power of Congress to deprive any inventor of his rights.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OVERSTREET. I ask that the gentleman's time may be extended.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. May I ask the gentleman from Indiana, does he contend—

The CHAIRMAN. The gentleman from Wisconsin has the floor.

Mr. STAFFORD. I will yield to the gentleman half a minute.

Mr. MANN. Does the gentleman from Indiana contend that when the Government issues a patent that the patentee has any right or claim against the Government legally?

Mr. CRUMPACKER. Just the same as if the Government uses his horse, his house, or his farm. A patent right is property, and the man who makes an invention under the law that gives him a property right in it is protected as much in that as in any other class of property.

Mr. MANN. I do not propose to take issue with the gentleman on that, but I commend the opinion of the gentleman to the gentleman from Nebraska [Mr. HINSHAW], and I commend the report of the gentleman from Nebraska to the gentleman from Indiana, because in the report made to the House it states that the patentee has no legal claim against the Government, and it struck me as a rather unusual doctrine. I call that to the attention of the gentleman from Indiana, knowing that he is one of the greatest lawyers in the House.

Mr. CRUMPACKER. The theory of that report doubtless is that there is no remedy against the Government on the ground that you can not sue the Government. But it is well settled in all the civilized world that the inventor of an idea or a mechanism has property in his invention.

Mr. MANN. I was talking about a legal claim against the Government.

Mr. CRUMPACKER. And if a man has a legal right in the enjoyment of his own property he has a legal right to its protection. He has no remedy against the sovereign or against the Government, but his legal right exists nevertheless.

Mr. MANN. He has no legal right against the Government unless he has a legal remedy against the Government.

Mr. CRUMPACKER. He would have a legal right to enjoin the Government from appropriating his patent.

Mr. STAFFORD. I will have to decline to yield further. Now I yield to my colleague.

Mr. KÜSTERMANN. Mr. Chairman, I just wish to refer to one matter mentioned by my colleague as to whether or not the rental is an exorbitant one. The canceling machine now on trial in the Washington post-office and doing satisfactory work is offered by the European manufacturers at \$800, and the American Postal Supply Companies are charging us for similar machines a rental of \$400 a year, which I say is exorbitant in consideration of the fact that twice that sum purchases the machine outright.

They have in use in some offices another machine, a hand machine, that works quite satisfactorily, which was bought for \$225, and we are paying \$80 and \$90 a year rent for a similar type of machine. Now, I say, if the manufacturers of the machines refuse to sell us them outright, it may cripple us for a little while, but it will bring the manufacturers to time, for they will not entirely destroy the goose that lays the golden egg.

Mr. STAFFORD. I wish to say, in reply to the gentleman, that Postmaster-General Wanamaker, for whom I have the highest respect, and during whose administration of the Post-Office Department more improvements were inaugurated than for a quarter of a century before, attempted that, and he found that it was not possible to force the owners of a patented article to sell those machines.

Mr. KÜSTERMANN. Just referring to the subject of the renting of canceling machines, I find that taking out those machines by Postmaster-General Wanamaker undoubtedly did



the Post-Office Department some harm, but it bankrupted the owners of the machines. If they do not want to do what is right, let them be bankrupted again. Let them throw the old machines on the scrap pile.

Mr. STAFFORD. That would compel us to sacrifice the interests of the postal service, delay the dispatch of letters twelve hours to twenty-four hours, in the larger offices, and may incur a loss of perhaps millions of dollars to the business men of the country, who demand and require the quickest possible mail dispatch. The gentleman's proposition is that if we can not purchase them we should hamper and injure the service irreparably, in order to prevent some company making a large profit, because it controls a patent. That is a policy to which I do not subscribe. The only possible and practicable remedy that I can see is to change the patent laws.

The CHAIRMAN. Debate on the pro forma amendment is exhausted. Does the gentleman from Indiana [Mr. OVERSTREET] insist on the point of order?

Mr. OVERSTREET. I insist on the point of order. It is clearly subject to the point of order in my judgment, because it in terms prohibits the rental of machines.

The CHAIRMAN. As the Chair understands the matter, the renting of machines is now authorized by law. This amendment would prohibit it. Therefore it is a change of existing law and in violation of the rule of the House which prohibits a change of existing law upon a general appropriation bill, and the Chair sustains the point of order.

The Clerk read as follows:

For compensation to ten assistant superintendents salary and allowance division, at the rate of \$2,000 per annum each, and for their per diem allowance when actually traveling on business of the Post-Office Department, at a rate to be fixed by the Postmaster-General not to exceed \$4 per day, and for other necessary official expenses, \$34,600.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move to strike out the last word. Two or three years ago I investigated this question of canceling machines and came to the conclusion that the Government was being held up by the manufacturers. I offered an amendment to the post-office appropriation bill, which did not prevail, and I want now to incorporate as a part of my remarks what was said in that debate. I do not believe, notwithstanding these machines are convenient, that the Government of the United States ought to permit itself to be held up in any such style. I hope that before the next appropriation bill is made up the post-office authorities will inquire and will be able to report to the Committee on the Post-Office and Post-Roads what rental is paid in Great Britain, Germany, France, and other great countries for the use of canceling machines.

The debate referred to is as follows:

Mr. JOHNSON. Mr. Chairman, in Document 383, second session Fifty-eighth Congress, there is a very interesting story about the canceling machines rented and purchased by the Government. The First Assistant Postmaster-General testified before the Committee on the Post-Office and Post-Roads that the Department had endeavored in making rental contracts with the owners of these machines to incorporate in the contracts a clause giving the Government the right to purchase. He further stated that all of the companies had refused to incorporate this clause in their contract. There are two parties who can play the hold-up game. Some of these canceling machines are rented to the Government for as much as \$400 a year. This document which I hold in my hand shows that canceling machines were rented in some instances for more than twice what it costs to construct them. There are about eight companies making canceling machines.

Mr. NORRIS. Will the gentleman permit an interruption?

Mr. JOHNSON. Yes.

Mr. NORRIS. If your amendment does not prescribe any method by which the amount of the purchase price of a canceling machine shall be fixed, what real benefit would it be to the Government to have that kind of a stipulation in the contract, because the owner of the machine could fix the price at such a figure that the Government could not purchase it? It seems to me that in order to make your amendment effective it ought to contain some provision by which the price of the canceling machine should be arrived at.

Mr. JOHNSON. That is a very happy suggestion, and I shall be glad to accept any amendment which will effect what I am trying to accomplish. Of course the machines are of different prices, and the rentals are different. The purchasing price would be different; but I assume that under this provision, if it were adopted, the Post-Office Department would not insert a clause in the lease to purchase, except at a figure they were willing to pay, if they decided to purchase.

Mr. NORRIS. Just from hearing your amendment read, as I understood it, the Post-Office Department would not have that authority. The man who owns the machines could put in any figure he saw fit, which would nullify what you are trying to reach.

Mr. JOHNSON. As I have already stated, if the amendment as drafted is not sufficient to accomplish the purpose, let us so draft it that it will accomplish that purpose. These companies making the canceling machines are renting them to the Government at exorbitant prices. They refuse to sell because the Government pays them an annual rental that in most cases, I dare say, would be a handsome price for them if they were selling the machines outright.

The CHAIRMAN. The gentleman's time has expired.

Mr. JOHNSON. I hope the House will give me five minutes more.

The CHAIRMAN. The gentleman asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. JOHNSON. This is a business proposition. It seems to me that if we provide in the law that these gentlemen can not rent their machines to the Government unless they are willing to meet the Govern-

ment on a fair, equitable, conscientious basis, that we will accomplish our purpose. The Government is not obliged to rent any one of these machines. If these people are made to understand that the Government will no longer be held up by them, they will come to terms, because there can be no other purchaser and no other renter in the United States. I hope that the Committee on Post-Offices and Post-Roads will consent to incorporate this amendment into their bill, and trust before the next session of Congress we will have from that committee information as to the cost of these machines, and then we can legislate more wisely and understandingly on the question.

Mr. KENNEDY of Nebraska. Will the gentleman permit me to ask him a question?

Mr. JOHNSON. Certainly.

Mr. KENNEDY of Nebraska. Does the gentleman know whether or not any of these canceling machines are for sale at any price, or do the manufacturers lease them and refuse to sell?

Mr. JOHNSON. The Government has purchased in years past a large number of machines, as shown in this document, but the First Assistant Postmaster-General, in testifying before this committee that was making up this particular bill, stated that he was unable now to purchase or to get the companies to insert an option to purchase in the leases. I want to fix it so that if they are not willing to deal with us fairly they can not deal with us at all.

Mr. KENNEDY of Nebraska. Then, as a matter of fact, the manufacturers are holding the Government up and getting almost the entire price out of each machine each year?

Mr. JOHNSON. I think so.

Mr. MANN. This matter was thrashed out in the House some years ago at great length. I am rather in sympathy with the gentlemen who believe that the Post-Office Department ought to own these machines, but the mere statement that a machine costs so much and that the rental is so much has nothing to do with the case. We pay a great deal more for the care of a horse per annum in the Post-Office Department than the horse is worth, but that is no test. The decrepit cripples that deliver the House mail are under the absolute control of the House itself, not under the Government, but the House, and we pay something over \$400 for the use of those cripples hauling the mail wagons around. It might be possible that some distinguished gentlemen who are anxious for reform would wish to provide that the Government should own the horses. Now, it may be contended that you can keep a horse for no less than that.

There are 600 horses and mules in the control of the Isthmian Canal Commission on the Isthmus. The Commission reports that last year the average expense for taking care of these horses and mules, including the charges for labor, forage, and miscellaneous items, was about \$110 per horse. They asked for bids to see what it would cost to keep the horses, and the least bid they received was \$450 per year per horse.

Mr. GAINES of Tennessee. Who bid?

Mr. MANN. The proposal was received from a contractor of the United States who had had considerable experience in similar work in Central America, and he proposed to keep the horses for \$450 apiece, as against \$110 which it was costing the Commission. But that does not signify anything as to whether it would be to the advantage of the Government or the House to own the horses. We are paying in Chicago \$380 for the use of a horse and wagon, a little collection wagon; it is a great deal more than the horse is worth. It might be far cheaper for the Government to buy the horses. Certainly there would not be the same difference in that value that there is in regard to the machines, and it is far better, in my judgment, to rent the high-grade machines that require the most careful handling and are so liable to get out of order, and require the renter to keep them in order, than it is to rent the horses. It is not much trouble to take care of a horse, especially the kind of horses and the kind of care that are in the service of the Government. It is a great deal of trouble to take care of these machines.

Mr. JOHNSON of South Carolina. Can the gentleman state how much it costs to take care of one of these machines a year?

Mr. MANN. I do not know what it costs. The people who furnish the machines keep them in repair.

Mr. DOUGLAS. It does not cost half as much for them to keep them in repair as it would cost the Government.

Mr. MANN. No; not if they were used and taken care of by the Government. If they were used and taken care of by the post-office employees, it would cost probably ten times what it costs now. These clerks are not qualified for the work, they are not selected for the work, and while undoubtedly in the long run it may be desirable to have the Government own machines that are not too intricate and too highly organized and can be run easily, it is out of the question, in the postal service that we have now, to have these machines taken care of and repaired by Government clerks at any less cost than is now done.

Mr. HUGHES of New Jersey. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. HUGHES of New Jersey. What would the gentleman say to a proposition to have the Government purchase the machines with a guaranty on the part of the maker that the maker keep the machines in repair?

Mr. MANN. That is an impossible proposition, in my judgment. I think it would be desirable for the Government to purchase some machines and operate them and see how it compares in cost with those that we rent. We can only ascertain by experiment, but to do away with the machines, as suggested by the gentleman from Wisconsin [Mr. KÜSTERMANN]—there isn't half room enough in the Chicago post-office building today to furnish the tables and the places for the clerks to stand to cancel the mail that goes through that office, if the canceling machines were done away with.

Mr. GAINES of Tennessee. How much does the Government pay for rent now?

Mr. MANN. The gentleman from Wisconsin has stated \$80 to \$400 apiece.

Mr. GAINES of Tennessee. How much in all?

Mr. MANN. The appropriation is \$300,000 proposed in the bill.

Mr. CRUMPACKER. The gentleman from Illinois will admit that there isn't room enough in the Chicago post-office recently constructed for the proper administration of the postal work, even with the canceling machines.

Mr. MANN. There is not room enough in that part of the building devoted to postal service, but I say there isn't room enough in the whole building devoted to all the services to furnish means to cancel all the mail by hand.

Mr. JOHNSON of South Carolina. Mr. Chairman, I withdraw my pro forma amendment.

Mr. STAFFORD. Mr. Chairman, I want to say in answer to the gentleman from Tennessee [Mr. GAINES] that the whole amount, the aggregate expenditure for canceling machines last year was \$256,920.

Mr. GAINES of Tennessee. For how many machines?

Mr. STAFFORD. Fifteen hundred and forty.

Mr. GAINES of Tennessee. How long have we been paying that?

Mr. STAFFORD. That has been the practice for more than a decade.

Mr. WANGER. Mr. Chairman, the pending paragraph provides for compensation to ten assistant superintendents, salary and allowance division, and as I understand it, the principal duties of these officials are similar in nature to those of inspectors, and there does not seem to be any very good reason why they should not be included in the regular inspection force of the Post-Office Department. I have been informed by my friend the chairman of the committee, the gentleman from Indiana [Mr. OVERSTREET], that it is in consideration to consolidate all the inspection officers of the Post-Office Department in one force under the immediate direction of the Postmaster-General in the reorganization of that Department, and I simply rise at this time to express my firm conviction that that is called for by the best interests of intelligent and efficient administration. There is much of the work of the Post-Office Department that ought to be administratively audited, which is not usually done. Sometimes when it is, it is but feebly done, and this in the bureau in which the work is performed, by the very officers who have conducted it, and if they are in error as to their methods or functions under the law, that error attaches to their audit and review, and there is no correction or chance for correction.

If officers or employees under a different chief were brought in to audit that work, there might be a different result. Take, for example, all these large special allowances that are made to different post-offices in the country, aggregating hundreds of thousands of dollars. The basis for determining those allowances is fixed by the Postmaster-General in a general rule and each particular allowance is calculated and declared in the bureau or division to which it appertains, and is reviewed by nobody outside. Nominally it must be approved by the Assistant Postmaster-General under whose direction the division is, but practically, as all know, the Postmaster-General and the Assistant Postmasters-General can not give attention to that sort of detail, and it was because of that absence of review of these and similar matters that the abuse of powers in the division of salaries and allowances grew a few years ago under the then superintendent who became general superintendent, and subsequently went to prison. There is no different provision at this time for reviewing the work of that division from what there was in those days. The only additional guaranty, as I understand it, that the Department and the country has that those allowances are being honestly made is in the personality of the official who is at the head of the division. He undoubtedly justifies the confidence reposed in him, but however honest he may be, he may also be liable to error and there ought to be somebody, as I have suggested, from outside of that division to review all the action taken in apportioning allowances to

different persons and different officers, and in like manner the accounting in other divisions should be audited by persons not in those respective divisions.

I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. WANGER. The Auditor for the Post-Office Department accepts, and under existing law is probably bound to accept, as conclusive the allowance by the Postmaster-General to any postmaster within the limits of an appropriation. He has no means for determining, and apparently it is not his function to determine, whether the allowance is in conformity with the rule established under which the allowance was made; and hence it was in the case of the Kansas post-office—where under the rule of the Department an allowance of only \$80 was permissible, the postmaster was annually paid \$500—that the crime was not discovered and its repetition after the first year prevented by the Auditor.

The chief inspector has a fund, often exceeding \$40,000 and rarely falling below \$25,000, of moneys officially received and disbursed, deposited in the interim in a national bank selected by one of his predecessors with the supposed approval of the then Postmaster-General, the accounts of which are seldom examined save upon a change of incumbents and then by those who have served under the outgoing and hope to serve under the incoming chief. If this fund is to be under the continual control of the chief inspector and not be required to be deposited in the Treasury, good administration would suggest quarterly audit by accountants in no sense beholden to the person most vitally interested in the result of the audit. Further illustrations might be given, but these sufficiently illustrate the importance of effectively providing for the enforcement of the principle.

Possibly the Postmaster-General will provide regulations to meet most of these contingencies, as he has for many others, but regulations are only temporary, and such essentials of safety should not be neglected in legislation.

The Clerk read as follows:

For pay of letter carriers at offices already established, including substitutes for carriers absent without pay, city delivery service, \$26,650,000.

Mr. GOEBEL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Line 22, page 14, strike out \$26,650,000 and insert in lieu thereof \$27,835,000.

Mr. GOEBEL. Mr. Chairman, this is the amendment that I promised my colleague [Mr. OVERSTREET] I would present, with a view of increasing the salaries of letter carriers. The amendment, if adopted, will promote approximately 11,200 city letter carriers, and that would require an appropriation of \$1,120,000 and would promote about 1,300 carriers now receiving either \$1,000 or \$1,100, and that would require an appropriation of about \$65,000, so that the total increase, as proposed by my amendment, will be \$1,185,000.

Mr. CRUMPACKER. Will the gentleman allow me to ask him a question?

Mr. GOEBEL. Yes.

Mr. CRUMPACKER. Will simply increasing the amount appropriated operate in and of itself as a promotion of these various classes of carriers?

Mr. GOEBEL. It will take those who are now in the \$1,100 grade and promote them to the \$1,200 grade.

Mr. RYAN. It will promote them, but will it require it? Will it make it mandatory?

Mr. GOEBEL. It will make it mandatory. It makes it mandatory whenever we make the appropriation. On yesterday my colleague [Mr. OVERSTREET] and I did not agree in reference to the classification relating to clerks. I think we do agree that up to last year there was no classification of letter carriers in first-class offices. All letter carriers up to that time received \$1,000. Last year we created six grades. One of the grades was \$1,100, and the next higher was \$1,200. We also made sufficient appropriation to cover the \$1,100 grade, so that during the present fiscal year letter carriers who had been receiving \$1,000 and had been in the service for a year were raised to the \$1,100 grade. Now, then, this year the committee failed to recommend and include in the appropriation bill a sufficient amount of money to raise the \$1,100 carriers into the \$1,200 grade. The object of my amendment, therefore, is to raise these carriers from the grade of \$1,100 into the \$1,200 grade.



Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. GOEBEL. Yes.

Mr. FITZGERALD. Why has not provision been made for the increase provided by law?

Mr. GOEBEL. That is exactly what I have been endeavoring to find out.

Mr. FITZGERALD. The gentleman is a member of the committee, and I thought perhaps there was some general policy involved, and he might give the information to the committee.

Mr. GOEBEL. I can only say to the gentleman from New York that the reason urged by the chairman of the Post-Office Committee, and I may say acquiesced in by a majority of the members of that committee, was that this year there ought to be no increase, for the simple reason that the postal receipts have decreased, and that the conditions of that Department relating to receipts did not warrant or justify this appropriation.

Mr. HITCHCOCK. Will the gentleman yield?

Mr. GOEBEL. Yes.

Mr. HITCHCOCK. I would like to ask the gentleman whether it was not intended when the bill was passed by the last Congress creating this \$1,200 class of letter carriers that some of the \$1,100 class should be promoted into it, and whether it was not also intended to appropriate enough money for that purpose?

Mr. GOEBEL. I want to say to the gentleman that that was my understanding, and I believed at the time that this year we would make the appropriation for the \$1,200 grade.

Mr. SULZER. Mr. Chairman, I think the amendment should be agreed to. It is only fair and just to the letter carriers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOEBEL. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RYAN. Mr. Chairman, may I ask the gentleman a question?

Mr. GOEBEL. In just a minute.

Mr. HITCHCOCK. Then, it is the understanding of the gentleman from Ohio [Mr. GOEBEL], who was a member of this committee, that the committee intended to create a \$1,200 class of carriers and intended to appropriate enough money to pay those \$1,200 carriers?

Mr. GOEBEL. I do not want to be misunderstood by the gentleman. He probably goes too far when he says it was the understanding of the committee. I did not mean to say that that was an understanding by the committee, but what I do mean to say is that I thought there was an understanding.

Mr. HITCHCOCK. Then the gentleman has no assurances and no evidence that the committee intended when it created this \$1,200 class of carriers to provide any means for any men to get into that class?

Mr. GOEBEL. I had no assurance from that committee. But manifestly it was the intention of that committee at that time in creating this \$1,200 class that at the proper time Congress would make an appropriation for that class.

Mr. HITCHCOCK. Did not the bill provide that the proper time should be the 30th of June, 1907?

Mr. GOEBEL. No; not necessarily.

Mr. HITCHCOCK. Let me read to the gentleman:

That after June 30, 1907, clerks in offices of the first and second class, and carriers in the city delivery service, shall be divided into six grades, as follows:

Then the grades are specified, including the \$1,200 class of carriers and clerks. So that the proper time to have begun the promotion of these \$1,100 carriers into the \$1,200 class was on the 30th of June, 1907?

Mr. GOEBEL. Not necessarily. You may create a class and fail to make an appropriation for it, and it would not go into effect.

Now, it was thought advisable last year to create these two classes, but it was also thought advisable that there should be an appropriation made sufficient to carry into effect the \$1,100 grade, leaving it for the present Congress to make an appropriation so as to include the \$1,200 grade.

Mr. HITCHCOCK. Then the gentleman amends his former statement and now avers that it was not intended in this bill, which created a \$1,200 class, to make any provision for any men to get into that class?

Mr. GOEBEL. No; I do not want to be understood as amending my statement. I want to be understood that the \$1,100 and the \$1,200 grades were established with a view of making an appropriation at some time to cover the two classes, but that under certain conditions then existing it was advisable that

there should be an appropriation simply for the \$1,100 grade, and that the following year, to wit, this year, we might follow it up by making an appropriation for the \$1,200 grade.

Mr. HITCHCOCK. Let me ask one more question, if the gentleman please. Is there any provision in the present bill for the promotion of a single carrier into the \$1,200 class?

Mr. GOEBEL. None. And my amendment provides and will place them in this \$1,200 class. That can not be done unless you make the necessary appropriation. So that the creating of the \$1,200 class is of no force unless you make the appropriation.

Mr. MANN. Does the gentleman's amendment provide funds sufficient to advance all of the carriers now receiving \$1,100 to the \$1,200 class?

Mr. GOEBEL. Yes, sir; and I have the figures. I received them from the Post-Office Department.

Mr. SULZER. And that should be done.

Mr. MANN. What is the number?

Mr. GOEBEL. Does the gentleman mean the amount?

Mr. MANN. The number of carriers.

Mr. GOEBEL. Eleven thousand two hundred.

Mr. RYAN. In the law enacted last year, following up the language that was read by the gentleman from Nebraska, it goes further and says:

Clerks and carriers in first-class offices shall be promoted successively to the fifth grade.

It provided a sixth grade, but no means of promotion to that grade.

Now, then, even if you do provide the money necessary to carry into effect the original intention of the law, can you make any promotions to that grade unless you amend the act promoting clerks in the paragraph of last year alluded to?

The CHAIRMAN. The time of the gentleman has expired.

Mr. DOUGLAS. I ask unanimous consent that the time of the gentleman from Ohio may be extended.

There was no objection.

Mr. GOEBEL. I can not answer the gentleman whether that would require an amendment. I am inclined to think it would not, because they go automatically into that grade, and the appropriations cover that grade. If I am, however, mistaken my colleague [Mr. OVERSTREET], will correct me. I am inclined to think it requires no amendment.

Mr. RYAN. I think it does.

Mr. GOEBEL. I will be very glad to answer any further question.

Mr. GOULDEN. I would like to ask the gentleman if he is quite confident that the very fact of making this appropriation proposed by his amendment will carry into effect last year's legislation?

Mr. GOEBEL. Yes, sir; I am absolutely sure.

Mr. CRUMPACKER. Does the gentleman's amendment affect carriers in the cities below 50,000?

Mr. GOEBEL. It only applies to first-class offices.

Mr. KELIHER. Mr. Chairman, I offer a substitute.

The Clerk read as follows:

On page 14, lines 22 and 23, strike out the words "twenty-six million six hundred and fifty thousand dollars," and insert in lieu thereof the words "twenty-seven million two hundred and forty-two thousand five hundred dollars: *Provided*, That of the amount herein provided not less than the sum of \$592,500 shall be expended for increasing the salaries of 50 per cent of the carriers in the city delivery service who shall be promoted after June 30, 1908, from the fifth to the sixth grade in a manner to be prescribed by the Postmaster-General."

Mr. OVERSTREET. Mr. Chairman, I reserve a point of order against the amendment because I could not hear all of it read. It may not be subject to the point of order.

Mr. KELIHER. Mr. Chairman, my amendment aims at the same object as that of the gentleman from Ohio, except that I provide by my amendment for the advancement of 50 per cent of the carriers now eligible, by virtue of being in the \$1,100 class, to the \$1,200 grade. I am in accord with every syllable uttered by the gentleman from Ohio. When the Fifty-ninth Congress closed its business last year every man in this House, with the exception of a very few, was under the impression that when we created the \$1,200 class of carriers we had placed a live statute upon the book. When we had gone to our homes and conveyed that welcome news to the carriers of the country, who were entitled to and who expected that promotion, that they would receive it, and later found that the increase did not materialize, we were as much disappointed as the expectant carriers. I take this, the first opportunity which is afforded, to ask the House to keep faith with the betrayed carriers of the country.

Now I am heedful of the caution of the chairman of the Committee on Appropriations about the condition of the Treasury; but last year, when the Treasury was fairly bulging, when you

had a surplus of \$90,000,000 and the nation was the richest in its history, and abundantly able to do so, you did not carry out the provision of law that you had enacted; you do not keep faith with this class of employees, which is the most useful, industrious, and faithful in the Government service. [Applause.]

Now, Mr. Chairman, my amendment calls for an appropriation of \$502,500 and prescribes that the promotions shall be made and how they shall be made. The bill drawn last year was a mere makeshift. I contend that it was not honestly drawn and not reported in an honest spirit to this House, and that we voted for it under a misapprehension. Mr. Chairman, we thought we were going to increase these salaries, but as I said though we thought so, we did not, through no fault of our own. [Applause.]

Mr. MANN. Will the gentleman permit me to ask him a question?

Mr. KELIHER. Yes, sir.

Mr. MANN. Why does the gentleman propose now to increase the salaries in only 50 per cent of the cases, instead of joining the gentleman from Ohio, who increases them all?

Mr. KELIHER. Because I do not want the House to declare that, owing to the present depleted condition of the Treasury, it would be inadvisable to extend its provisions to the 11,200 men now in the \$1,100 grade. This grade at present is the limit. If you do not take care of them now, the time will come when this grade will become so choked by the mandatory promotions from the lower grades that we will be unable to get the stupendous appropriation that will be required to care for all those eligible for advancement, therefore I believe that half a loaf at this time is better than none.

Mr. MANN. If the gentleman thinks we have made a promise, why does he not keep to the whole promise?

Mr. KELIHER. If the gentleman, who is all-powerful in this House, will join with me in support of the measure, I shall be willing to withdraw my substitute and follow him in the attempt to provide for all. [Applause.]

Mr. MANN. The gentleman from Ohio [Mr. GOEBEL] has already proposed an amendment.

Mr. KELIHER. Yes; but notice has been served from the Republican side of the House upon the gentleman from Ohio (it was served yesterday) that he could not expect it. Now, I want to say if they will give us half a loaf it will be better than none. If not, I shall offer an amendment which will provide for an increase of 25 per cent of them and see whether you intend to keep faith and keep certain promises that you made to the carriers last year. [Applause.]

Mr. MANN. The gentleman himself does not propose to keep faith. He only proposes to keep half faith. The gentleman from Ohio, at least, proposes to keep faith.

Mr. KELIHER. I am attempting to breathe a little life into a dead statute; that is what I am going to do, and I feel that I can do it. You on the other side put a statute on the books and then strangled it. You created the \$1,200 class and then starved it to death by not providing an appropriation to sustain it. [Applause.] You pass my amendment to-day and promote 50 per cent next year, and if the distinguished gentleman from Illinois [Mr. MANN] will follow me with a raise of 50 per cent more, that will accomplish all that we hope to accomplish, and there will be satisfaction on the part of the carriers of the country. But you played politics and you have not made good, and I propose to-day to restate it, as my honest opinion, that when Members of this House and members of the coordinate branch reached their homes last spring they told the carriers that they had been provided for; but they have not got the money, and there is not one \$1,200 carrier in this country, although there is upon the statute book a law providing a \$1,200 class. There is not one \$1,200 carrier in all America, and I will withdraw my amendment if the distinguished chairman of the committee will state that I have erred in that statement. [Applause.]

Further on in the act of last year, the one that teemed with deceptions, you provided that clerks and carriers of the highest grade in their respective offices were eligible for promotion to the higher positions in said post-offices. You held out the hope to the carriers of the country that they might by fidelity and efficiency aspire to higher offices in the post-office service. Then you built an insurmountable barrier to that ambition by preventing them reaching the highest grade under the law, from which they were to be advanced. What was the meaning of that? This was more than an ordinary mistake. There was deliberation; there was careful study in the wording of that bill! The demand from the country was so great that you had to give heed to it.

When you did, you did not do so honestly. You created the office and you provided for the increase that public sentiment

demand, and then you prescribed that the prospective beneficiary should rise grade by grade to the \$1,100 class, but when that grade was reached, you stopped him. You choked his advance. There was lamentable lack of faith in that action. Now, the gentleman from Illinois [Mr. MANN] is apprehensive lest I am not doing what I should do for this class of carriers.

If he will join me in a movement, all powerful that he is in this body, to provide for all the carriers that are eligible, I will willingly and gladly withdraw my amendment and support the one offered by the gentleman from Ohio. [Applause.]

Mr. BENNET of New York. I should like to recite a little history of the last Congress. In the first place, this particular classification feature was not reported from this House at all in the shape in which it now appears, but was agreed upon as a compromise between the House and Senate in conference. I am not going to let any temporary exasperation that I may feel or ought to feel toward the chairman of the Post-Office Committee, because of the rather brusque reply he made to me a while ago, make me do him any injustice. I want to say that he and his fellows in that conference did more for the carriers last year than had been done, so far as I have been able to find out, in the forty years preceding. I am going to do him the further justice of assuming that when he agreed to that \$1,200 grade he meant, so far as he could, in normal times, to follow that up with an appropriation sufficient to send the carriers to the \$1,200 grade. The position he takes is that this is not a normal year. Now, I want briefly to disagree with him to this extent: The fiscal year to which this appropriation will apply will not commence until the 1st of July.

Mr. RYAN. Will the gentleman permit an interruption?

Mr. BENNET of New York. Certainly.

Mr. RYAN. Does the gentleman believe that when this law was enacted last year it was seriously intended to allow the carriers \$1,200 this year?

Mr. BENNET of New York. I do not quite understand my colleague's question, but I will state my belief.

Mr. RYAN. I want to put my question plainly, so I will not be misunderstood, because I want to follow it up with another question. I want to ask the gentleman, does he believe it was seriously intended that on the 30th of June, 1908, the carriers in the fifth or \$1,100 grade should be promoted to the sixth grade and receive \$1,200 a year?

Mr. BENNET of New York. I believe it was seriously intended that every \$1,100 carrier should get \$1,200 beginning on the 30th of June, 1908.

Mr. RYAN. That is the sixth grade. Now, then, I would like to ask, further, why was it that this language was contained in that very paragraph, "that clerks and carriers at first-class offices shall be promoted successively to the fifth grade, carrying \$1,100," and nothing said about the sixth grade, carrying \$1,200?

Mr. BENNET of New York. Because, frankly replying to my colleague, I will say that legislation is a compromise. There were other demands upon the country. The automatic promotion scheme of carriers had never before gone above \$1,000. We were able by proper argument to show to the conferees that justice demanded that it ought automatically to go to \$1,100 and that the House ought to have the right to put it up to \$1,200.

Now, I want to say to the chairman of the Post-Office Committee that I realize his great responsibility and the great responsibilities of his committee. I sympathize with their frame of mind when they drew up the bill. But, if you take the city of New York as an index—and everybody on the floor has said that the recent financial panic has struck us harder than anywhere else, everybody getting up and saying that no bank closed in his district—if you take us as an index of the worst, we will not have any trouble after this fiscal year, because while the postal receipts fell off 6 per cent in January, they only fell off 3 per cent in February and are falling off less in March than they did in January, February, and March of the corresponding months last year. So when it comes to the 1st of July we are going to have a normal year, and I appeal to the gentleman from Indiana and his colleagues on the committee, believing that it was his intention and the intention of the conferees that if the succeeding financial year was a normal year the carriers would go from \$1,100 to \$1,200. Now, this is going to be a normal year, and I ask them to come up to the times. I will concede that the committee had a right to be pessimistic at the time they drew the bill, but now we are to be all right, and they ought to come up to it.

Mr. KELIHER. Will the gentleman yield?

Mr. BENNET of New York. I will.

Mr. KELIHER. Is it not a fact that the condition of the



country was more prosperous than it ever was before in its history when we voted the amendment, which we expected was a live one and not a dead one?

Mr. BENNET of New York. The gentleman from Massachusetts is as competent to judge of history as I am.

Mr. DOUGLAS. Why does the gentleman from New York appeal to the chairman of the committee instead of to the House to pass his amendment?

Mr. BENNET of New York. Well, I will appeal to both; but I have found in my brief experience that if you have the committee with you it is easier to get the amendment through. [Laughter.]

The CHAIRMAN. The Chair will state that debate is exhausted except by unanimous consent.

Mr. OLCOTT. Mr. Chairman, I want to speak a moment or two in connection with this matter. I think we all consider the question of the pay of clerks and the pay of carriers in the post-office on a wrong basis. The Post-Office Committee, in my opinion, considers this great appropriation bill from a wrong basis. It is the only appropriation bill where we feel hurt if we do not make a profit on the business we do. We are striving, perhaps properly, to reduce the annual deficit so as to show that the postal business of the country is running at a profit. That is not what the postal business should be run for. It should be run, as all of the other great Departments are, for the protection and, in the case of the postal service, for the convenience of the inhabitants of this country.

The difficulty about it is that we have foisted on the Post-Office Department an enormous item of expenditure that should be charged against the other Departments. The carrying of mail and merchandise for all the Departments should not be charged against the post-office appropriation, but there should be some system of bookkeeping so that the charge for transportation of the mails for the War Department should be charged to it and should be taken from that appropriation and not from the post-office appropriation. It seems to me that a statement of these facts carries belief that the principle is wrong, and then it ciphers itself down to the fact that we make the people least able to afford it pay for the expenses of the transportation of all the mail for all the Departments of the United States.

Mr. GOULDEN. Will the gentleman yield for a question?

Mr. OLCOTT. Certainly.

Mr. GOULDEN. I would like to ask the gentleman if he can give any idea of the cost of the franking privilege for the various Departments?

Mr. OLCOTT. I have not the slightest idea. I have attempted to obtain that information, but I have never been able to find that any record was taken.

Mr. GOULDEN. The gentleman spoke of it, and I thought perhaps he had the figures.

Mr. OLCOTT. I am only speaking of it with the knowledge that I as anyone else must have of mail matter from this House alone, to say nothing of the Departments.

Mr. MANN. Can the gentleman give us any information as to the value of the franking privilege to a Member of Congress?

Mr. OLCOTT. I can not. I can tell the gentleman how many letters a day I write on Congressional business.

Mr. MANN. The value of the franking privilege, I said.

Mr. OLCOTT. I usually consider that when I write a letter on official business the country is benefited to the extent of the 2-cent stamp, or I would not have written the letter.

Mr. MANN. The gentleman knows that probably he does not write a letter, but that he sends out two or three documents with it.

Mr. OLCOTT. Oh, I generally try to find documents that emanate from the gentleman from Illinois, and I know that they are worth all that they cost.

Mr. MANN. Oh, they may be worth it to the gentleman from Illinois—

Mr. OLCOTT. They are worth it to the constituents, because they get such good gospel from the gentleman.

Mr. MANN. I think the gentleman who talks about what the franking privilege is worth to the Government would find that the Members of the House might give some testimony on the subject. The gentleman probably keeps some kind of an idea in his head as to what his franking privilege is worth, and other Members do. Why can not the Members of the House dispose of the franking privilege which is worth so much to them?

Mr. OLCOTT. I think the gentleman is departing from the argument. It is not only of the comparatively small amount of money expended for transporting the mail or documents of the House of Representatives or the Senate, but of the entire departmental system of charging everything up against the Post-Office, that I speak, and I merely wanted to follow up my own idea.

Mr. CLARK of Missouri. I would like to ask the gentleman from New York, as a matter strictly for information, how charging up the business to the War Department and the franking expenses to somebody else will in the end help the Government out of the hole?

Mr. OLCOTT. I do not think it will.

Mr. CLARK of Missouri. All that would do on the face of the earth, then, would be to make the Post-Office Department make a better showing in bookkeeping as to its balance.

Mr. OLCOTT. And so make it impossible for the excuse to be offered that we are spending too much money.

Mr. CLARK of Missouri. The gentleman would be spending just as much money the other way.

Mr. OLCOTT. If we charged it to the other Departments, where it belongs, then when we are discussing the post-office appropriations we would not hear of the deficit and we might do justice to these carriers and clerks.

Mr. CLARK of Missouri. But the Military Committee or some other committee would get the larruping the gentleman is getting now.

Mr. OLCOTT. Well, I hope it would not hurt them any more than it does me.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DRISCOLL. I ask unanimous consent that his time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DRISCOLL. Now, speaking of the Postal Department as a business proposition, the gentleman says that the franking privilege is a burden on it, because it must pay for all the mail that is sent out from all the Departments and by Congressmen. It is also true, is it not, that many of the buildings used by the Post-Office Department are paid for by the Treasury of the United States, and does not that much more than make up or offset the loss suffered by the Post-Office Department for the franking privilege?

Mr. OLCOTT. Possibly. I never considered that. I had not considered the item of permanent improvements to be of a similar character to that of annual expenditures.

Mr. DRISCOLL. Most of those offices are kept up by the Treasury Department, are they not—the repairs and cleaning and furniture, etc., and the Post-Office Department is free of all that expense?

Mr. OLCOTT. Yes.

Mr. DRISCOLL. Yet it does not pay expenses.

Mr. OLCOTT. It does not pay expenses; that is true.

Mr. FITZGERALD. Mr. Chairman, I hope to have an opportunity to vote, first, upon the amendment offered by the gentleman from Ohio, which I favor, and if that does not carry, then to vote upon the suggestion of the gentleman from Massachusetts. The amendment of the gentleman from Ohio is designed to carry out the existing law. Everyone is familiar with what occurred at the last session of Congress. The general provision was made for the increase in compensation of postal employees, both rural and city. It is a somewhat significant fact that the rural employees have received the highest salary provided in the law enacted last year, while it is intended that the city employees in the Post-Office Department shall not receive the highest compensation provided.

I have no sympathy with the suggestion that that may be due to the fact that a majority of the Committee on the Post-Office and Post-Roads come from the rural districts, although it is a somewhat peculiar coincidence. I do not criticize the Committee on Post-Offices for what is about to happen or what has happened. I criticize and charge that the Republican party, the majority in control of Congress, will be and is responsible for the failure to appropriate the money to enable the increases provided by law to be made. The majority can not shirk that responsibility. It is said that the increases will not be made because the revenues are falling off. There is an available cash balance in the Treasury to-day of \$266,000,000, although the revenues are falling off and there is a large deficit threatened in this fiscal year. Yet that does not deter those in control of the legislative branch of the Government from not only proposing, but actually providing, increases of pay in a number of other branches of the public service, increases of pay in the Army, increases of pay in the Navy, not for the enlisted men alone, but for the officers, increases of pay in the Revenue-Cutter Service, if I be not mistaken, and also in the Life-Saving Service. So that, Mr. Chairman, these increases which are proposed, not now authorized by law, but entirely new, should not be at all seriously considered, if there is any force in the argument that is urged against the appropriation to carry out the law as it now exists.

Mr. GOULDEN. I would like to ask the gentleman, Mr.

Chairman, whether he regards it a sufficient answer to the country to say that the absence of normal conditions, the falling off of the revenue, etc., is sufficient for the Government not to keep faith, or this Congress not to keep faith with the employees; when it has distinctly stated in last year's law that certain things be done? I am heartily in favor of the amendment offered by the gentleman from Ohio.

Mr. FITZGERALD. If the condition of the country was such that it would be ill-advised to make the appropriation I would not favor it; but that is not the condition. While there will be a large deficit for the present fiscal year, and, from the present indications, in my judgment, for the next fiscal year, the fact is that there is an available cash balance in the Treasury to-day of over \$266,000,000, which will be ample to provide for this increase, as it will be ample to provide for the proposed increase in compensation in the other branches of the public service.

Mr. DRISCOLL. Has not the gentleman heretofore in his campaign speeches accused the Republican party of extravagance in the administration of public affairs?

Mr. FITZGERALD. Yes, and I will do it this campaign, and prove it. [Laughter.]

Mr. DRISCOLL. And the gentleman will do it again, will he not?

Mr. FITZGERALD. I said I would prove it in this campaign.

Mr. DRISCOLL. He is trying to make out a case of extravagance in order to hurl it at us next fall.

Mr. FITZGERALD. The gentleman is mistaken. The gentleman's party took credit for increasing the compensation of the postal employees, and they boasted of it. They went about the country boasting of it. They did not do what they pretended. They are not going to do it now, as these amendments provide, and it would not be any extravagance, I will say to my colleague, for him to assist the carriers in his city, who are now getting \$1,100 a year, to obtain the \$1,200 they are entitled to under the law. Nobody will criticize him in the campaign if he does that, but they will if he fails to do it.

Mr. DOUGLAS. Mr. Chairman, I move the following amendment to the amendment of the gentleman from Ohio [Mr. GOEBEL]:

*Provided*, That of the amount herein provided not less than the sum of \$1,185,000 shall be expended for increasing the salaries of the carriers in the city delivery service who shall be promoted after June 30, 1908, from the fifth to the sixth grade, in a manner to be prescribed by the Postmaster-General.

Mr. OVERSTREET. Mr. Chairman, I reserve a point of order on that.

Mr. GOEBEL. I understand the gentleman proposes to add that to my amendment?

Mr. DOUGLAS. Yes, to simply add it to the amendment of the gentleman from Ohio [Mr. GOEBEL], so as to obviate the question as to whether or not—

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add to the amendment the following:

*Provided*, That of the amount herein provided not less than the sum of \$1,185,000 shall be expended for increasing the salaries of the carriers in the city delivery service who shall be promoted after June 30, 1908, from the fifth to the sixth grade, in a manner to be prescribed by the Postmaster-General.

Mr. MANN. A parliamentary inquiry, Mr. Chairman. What has become of the amendment to the amendment offered by the gentleman from Massachusetts?

Mr. OVERSTREET. I have reserved the point of order on it.

The CHAIRMAN. The gentleman from Massachusetts offered a substitute in order to perfect the amendment of the gentleman from Ohio.

Mr. GOEBEL. Has the amendment of the gentleman from Massachusetts been withdrawn temporarily?

Mr. DOUGLAS. Mr. Chairman, the object is very clearly understood. I have no doubt the gentleman from Indiana and other members of the committee think that any question is obviated as to the increase in the appropriation. I doubt whether the appropriation would be available for the purpose intended without some such provision, and it seems to be generally conceded that the faith of the House was to some extent pledged to this increase.

Mr. OVERSTREET. I would like first to dispose of the point of order which has been reserved by me against the amendment offered by the gentleman from Massachusetts and the one just offered by the gentleman from Ohio. I insist upon both points of order; and the reason that I regard them as subject to the point of order is that they change existing law. The so-called "classification act" passed last year prescribed the method of promotion from one grade to another, the two chief limitations of which were a year's service in the next lower grade and an

efficiency record. Both amendments now before the committee undertake to direct, without regard to these limitations, that these men shall be promoted, and, in addition to that, emphasize that it shall be as the Postmaster-General may prescribe. No such authority of law, to my knowledge, has gone upon the statute books. I insist upon the point of order against each of these amendments.

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard upon the point of order?

Mr. KELIHER. The amendment offered by the gentleman from Ohio and my amendment are identical, simply as a limitation upon the manner in which that money shall be expended. They carry out the intent of the law, the spirit of the law, written into the statute of last year. They are almost identical. It is a limitation on the manner in which that money shall be expended, and purely a limitation.

The CHAIRMAN. The Chair will rule first upon the amendment of the gentleman from Ohio. The first clause of Rule XXI reads as follows:

Nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

Frequently such provisions do go through on general appropriation bills, no point of order being made against them. But when the point is made it must, of course, be passed upon.

It seems to the Chair that this provision is not a limitation upon an appropriation, but is a limitation upon the discretion or power of the Post-Office Department; that it is affirmative law. It is not in the negative form, providing that no part of the appropriation shall be expended for a certain purpose or except for a certain purpose. It commands the purpose for which it shall be expended, and in that respect proposes to make affirmative law. It changes existing law. The Chair therefore must sustain the point of order. The same ruling, of course, applies to the point made against the amendment of the gentleman from Massachusetts.

Mr. OVERSTREET. I now move that all debate close on the paragraph and pending amendments in seven minutes, and I request that I may proceed for seven minutes.

Mr. FITZGERALD. I ask the gentleman not to put the limitation upon amendments.

Mr. OVERSTREET. I know the gentleman desires to offer some amendment as to substitutes. I have no objection to have it understood that he may offer such an amendment as to substitutes.

Mr. FITZGERALD. I would like to have a few minutes of debate upon that, and if the gentleman's present motion should prevail that would cut off debate.

Mr. OVERSTREET. I am perfectly willing that the gentleman may have an opportunity to offer an amendment affecting substitutes. I now move to close debate on the paragraph and pending amendments thereto, except the amendment relative to substitutes.

The CHAIRMAN. Now the gentleman from Indiana moves that debate on this paragraph and all amendments thereto, except an amendment offered by the gentleman from New York, be closed in seven minutes.

The question was taken, and the motion was agreed to.

The CHAIRMAN. Now, the gentleman from Indiana being recognized by the Chair, asks unanimous consent that he may proceed for seven minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. OVERSTREET. Mr. Chairman, I appreciate the solicitude of Members in whose districts reside a large number of carriers of the \$1,100 grade, in their desire to have those carriers advanced to the \$1,200 grade. I stated yesterday that I have a number of such carriers in my own district. Personally, I should be much pleased that these men might receive increased salaries. My opposition to this amendment is not directed because I do not believe in the increase of salaries, but it is directed to this particular bill now under consideration, the conditions under which that bill has been prepared, and to the further fact that this is the first session following the session when Congress made such liberal appropriations for the increase of salaries of the postal employees.

The gentleman from Massachusetts [Mr. KELIHER], who offered the amendment, inveighed against the honesty of the classification act and charged deceit and subterfuge in its preparation and enactment. I may say that, with one exception, it is in the identical language recommended by the First Assistant Postmaster-General and urged so strenuously from that Department. That single difference is that under the original bill recommended by Mr. Hitchcock the arbitrary promotion of carriers halted at the \$1,000 grade, and the conference committee, acting after the amendment of the Senate upon the bill, increased it to the \$1,100 grade as the final point of stopping



the arbitrary promotions. So that, if anything, the action of the conference committee was even more liberal in its provision for the arbitrary promotion than the provision carried in the original bill recommended by the First Assistant Postmaster-General. Now, this amendment seeks to increase all of the carriers of the \$1,100 grade. The \$1,100 grade of carriers have now over eleven thousand out of the total number. Last year there was not a carrier in the \$1,100 grade, because prior to the classification act there was no carrier receiving in excess of \$1,000 a year.

And Congress, by the provision of the classification act, created two grades of carriers, \$1,100 and \$1,200, and promoted all of the carriers of the \$1,000 grade into the \$1,100 grade, provided they had served a year in the \$1,000 grade and had a proper efficiency record. Mr. Hitchcock in his testimony last year specifically stated to the committee that he was not recommending that these upper grades be filled at once, and he said:

All I ask as to the \$1,200 grade is that it be authorized, and leave to Congress the determination of when and how many carriers shall be advanced into that grade.

Instead of there being the practice of deceit or subterfuge, the provision was made with eyes open, not only of the committee of conference, but the First Assistant Postmaster-General himself. We promoted the \$1,000 men to \$1,100 last year. In deciding not to promote those men this year we are simply following the policy which I have announced repeatedly in the past two days, of not making provision for increases of salaries this year.

Mr. SULZER rose.

Mr. OVERSTREET. I prefer not to be interrupted, because I have so little time.

Mr. SULZER. Will the gentleman state that appropriation will be made for the \$1,200 grade next year?

The CHAIRMAN. The gentleman from Indiana declines to yield.

Mr. OVERSTREET. I should be glad to yield if the time were longer. I mean no discourtesy to the gentleman. We have provided in this very paragraph an appropriation of sufficient money to pay the full salary of every carrier in the service on the 1st day of next July at the salary he is then receiving. In addition to that, the committee provides for 1,500 additional carriers, to be appointed at the lowest grades, and then it provides for \$1,297,900 for promotion purposes of the carriers in the grades from \$600 to \$1,100. Hence every carrier in first-class offices below the \$1,100 grade will get a promotion, provided he has served a year in the next lower grade and has a proper efficiency record, under the automatic provision of the classification act.

By withholding the appropriation from the \$1,100 grade we have neither violated the provisions of the law nor the intent of its framers. Neither have we violated the intent of the author of that law, Mr. Frank Hitchcock, the First Assistant Postmaster-General. Therefore, Mr. Chairman, I can see no occasion for gentlemen becoming so exercised, nor for leaving the impression that they are badly abused, or that we are not making ample and adequate provision for the service. I sincerely hope that the amendment will be voted down. It is 40 per cent greater than was recommended by the Department. Last year we only promoted 50 per cent of the \$1,100 clerks. This year we are only promoting 15 per cent of the \$1,100 clerks. If you are going to promote according to the real merits, the ability and intelligence required for the performance of the service, we ought to promote the clerks of the \$1,100 grade and not the carriers. The \$1,100 grade of clerks requires a higher class of service than that which is performed by the \$1,100 carrier; but on yesterday we refused an increased appropriation for the salaries of the \$1,100 clerks. Having done that the promotion of all the carriers of the \$1,100 grade is wholly unjustifiable, and I hope the committee will vote down the amendment of the gentleman from Ohio [Mr. GOEBEL]. I ask for a vote.

Mr. GOEBEL. What is the status now, so that we may understand the situation?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio, the substitute having gone out on a point of order.

Mr. HITCHCOCK. Let us have the amendment again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk again read the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and on a division (demanded by Mr. GOEBEL) there were—yeas 45, nays 43.

Mr. OVERSTREET. Tellers, Mr. Chairman.

Tellers were ordered. The Chair appointed as tellers Mr. GOEBEL and Mr. OVERSTREET.

The committee again divided and the tellers reported that there were—yeas 70, nays 56.

So the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 14, line 23, after the word "dollars," insert "Provided, That when substitutes for carriers absent without pay are employed on Sundays and holidays, they shall be paid for double time."

Mr. OVERSTREET. Mr. Chairman, on that I reserve a point of order.

Mr. FITZGERALD. Mr. Chairman, the object of this amendment is quite simple. At present substitutes for carriers absent without pay are paid 30 cents an hour. As is well known, service on Sundays and holidays is always considered as unusual service and paid for at extraordinary rates. Very frequently a number of substitutes are compelled to take the places of regular carriers who are absent and from whose compensation a full day's pay is deducted. These substitute carriers frequently are compelled to work two or three hours on Sunday or holidays, owing to the conditions that exist in the large cities; while the substitute may work two or three hours, the time actually taken will be four or five hours. Under the law at present, if a substitute works upon Sunday or a holiday for two hours, he is paid 60 cents, and he may be occupied three hours or three hours and a half. If he is employed three hours, he is paid 90 cents. Take the Christmas holiday time, when mail matter is very heavy; the substitute may be employed four hours in actually delivering the mail from the time he reports to his office until he completes his delivery, and for the four hours' work, although the time actually employed by him may be five or six hours, he receives \$1.20, while the man whose place he takes has eight hours' pay deducted from his compensation.

In view of the fact that it is everywhere recognized that service upon Sundays and holidays is of an unusual and extraordinary character, and additional compensation, paid therefor, I trust that the gentleman from Indiana will permit this amendment to be adopted. It will not add much to the cost of the public service, but it will enable these men to earn a comparatively reasonable compensation for this work of an extraordinary character. There is not much more to be said. The conditions under which substitutes are employed in the large cities are well known. They may serve a period of two, three, or four years as substitutes before they obtain regular appointments. During that time they are paid at the rate of 30 cents an hour when actually employed. It is impossible for them to accept other employment, because they do not know when they may be called upon for service. After the apprenticeship of three or four years they get a regular appointment at a very meager salary. I trust the chairman will not press his point of order.

Mr. OVERSTREET. Mr. Chairman, I feel constrained to make the point of order. The law fixes the amount of compensation, and this is a change of existing law.

The CHAIRMAN. Does the gentleman from New York desire to be heard upon his point of order?

Mr. FITZGERALD. No, Mr. Chairman; it is clearly subject to a point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For pay of letter carriers, substitute, and auxiliary letter carriers at new offices entitled to city delivery service under existing law, \$75,000.

Mr. HAGGOTT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend after line 5, page 15, by adding the following:

"Whenever a postmaster certifies to the Department that owing to unusual conditions in his community he is unable to procure the services of efficient employees at the initial salary provided for post-office clerks and letter carriers, the Department may authorize in its discretion the appointment of clerks and letter carriers for that office at such higher rate of compensation within the grades prescribed by law as may be necessary in order to insure a proper conduct of the postal business."

Mr. OVERSTREET. I reserve the point of order on that.

Mr. HAGGOTT. Mr. Chairman, in many localities of the Rocky Mountains and Pacific States and Territories the cost of living is very much greater than prevails generally elsewhere and wages in the usual employments are almost double what obtains in the States to the east. This condition prevails particularly in the mining camps.

The amendment which I have just offered was suggested by the First Assistant Postmaster-General, Hon. F. H. Hitchcock, in his report to the Postmaster-General for the year ending June 30, 1907. If this amendment is adopted it will permit the Postmaster-General to pay adequate wages to post-office employees where unusual conditions exist. By existing law the Postmaster-General can not exercise the necessary discretion in paying proper salaries where the expense of living is unusually great and wages in all other occupations are higher than usually prevails.

In many of our Western towns the postmasters must pay out a great part of their salaries for clerk hire in order to secure competent help. This is done in my own town, a mining camp, and is the usual condition in all Western mining communities.

Mr. OVERSTREET. Mr. Chairman, the amendment is clearly subject to a point of order, as it changes existing law.

The CHAIRMAN. The matter is very clear. The Chair sustains the point of order.

The Clerk read as follows:

Office of the Second Assistant Postmaster-General: For inland transportation by star routes, including temporary service to newly established offices, \$7,200,000; *Provided*, That no part of this appropriation shall be expended for continuance of any star-route service the patronage of which shall be served by the extension of rural delivery service, nor shall any of said sum be expended for the establishment of new star-route service for a patronage which is already served by rural delivery service; *Provided*, That out of this appropriation the Postmaster-General is authorized to provide difficult or emergency mail service in Alaska, including the establishment and equipment of relay stations, in such manner as he may think advisable without advertising therefor.

Mr. HOUSTON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 16 amend by adding at the end of line 14 the words: "*Provided*, That no part of said sum shall be used to pay for the carrying in the mails any malt, vinous, or spirituous liquors, or intoxicating liquor of any kind."

Mr. OVERSTREET. On that, Mr. Chairman, I reserve a point of order.

Mr. HOUSTON. Mr. Chairman, in submitting this amendment, which I believe to be in order and not subject to the point of order made against it, I want to state that it is in line and in keeping with an amendment that I had offered to the section of the criminal code providing what should be mailable and nonmailable matter and prohibiting the transportation of certain articles through the mails. If I knew I could have an opportunity to offer that amendment to that section in the penal code I would not offer it now, because I should much prefer to legislate in a different way than that of putting clauses in an appropriation bill. If, however, we shall not get that bill before this House again, then it will be necessary to make this provision after the manner that has been in vogue heretofore—that is, by inserting clauses in appropriation bills, to make limitations and restrictions upon different branches of the public service, and even creating penal offenses this way. As a member of the House Committee on Revision of the Laws, when we were considering the bill that was reported to this House two years ago, when we got to the section of that bill declaring what should be mailable and what should be nonmailable matter I offered an amendment similar to the one I offer here, only it was more comprehensive, inasmuch as it was a part of a penal section in a criminal statute.

When that provision was not adopted by the House committee I gave notice that I would offer the amendment upon the floor of this House; and again, Mr. Chairman, when the joint committee composed of Members of the House and Senate were considering this measure in November last, I offered the same amendment to this section. When this amendment did not prevail there, I again gave notice that I would offer this amendment upon the floor of the House. That, Mr. Chairman, I expected to do until it now appears from the course of events that I may not have an opportunity to offer that amendment to the bill reported by the committee. The committee reported the bill with full knowledge of the fact and with the understanding that this amendment would be submitted by me to the House for its determination, as other amendments would be to other sections to which a number of us did not agree.

Mr. SIMS. May I ask the gentleman a question?

Mr. HOUSTON. Yes.

Mr. SIMS. Is it not a fact that under the bill as reported, without the amendment which the gentleman intended to offer when we reached the proper section, dealing with nonmailable matter, if passed without amendment, intoxicating liquors would not only be mailable, but that the Postmaster-General would, in the provisions, have to provide rules and regulations by which they could be mailed?

Mr. HOUSTON. I think, Mr. Chairman, that is a matter of some doubt. However, I am of opinion that it would have been mailable matter. There was some difference of opinion on that proposition, and in order to settle this question beyond a doubt I offered a positive amendment, so that we would not have anything uncertain in regard to it.

I think, Mr. Chairman, that Congress should legislate on this question. I want to say right here that as the law now stands it is a matter of some doubt as to whether or not alcoholic liquor is mailable matter, and this is the very situation that I want to relieve. I am opposed to leaving any statute in such an ambiguous condition that it is susceptible of any uncertain construction. I am opposed to leaving to departmental bureaus or officials the power to say what the law is in any case. Hence I favored in committees, as I do now, a positive declaration by Congress of what should be mailable matter—so definite and plain that no question could be made as to its meaning.

It is insisted by lawyers that under the law as it now stands it is mailable matter, and that the Post-Office Department has no right to refuse to ship within certain limits whisky or alcoholic liquors through the mails. That, however, is a question upon which there is a great deal of difference. The Department puts a different construction upon it, and it has done so for years, and refused to ship liquors through the mails because of the construction that they give to existing law.

Now, Mr. Chairman, I very much hope that there will be an opportunity to engraft that amendment in the penal code, and I hope that penal code may be perfected and finished, but if it shall fail it is very important that this provision be engrafted on this appropriation bill. And without arguing at present the point of order which has been reserved upon this amendment, I merely desire to say I have considered this very carefully, and I do not believe it is subject to the point of order. I will only call attention to the fact that this is simply a limitation upon this appropriation, limiting it to certain purposes, and I think for that reason is not subject to the point of order. But, Mr. Chairman, this brings me to consider and to make reference here to another bill very much akin to this that I hoped I would have an opportunity to vote for in the Fifty-ninth Congress and failing in that one then in this Congress, but I have not had that opportunity. I refer to the bill regulating the shipment of liquors from one State into another; the bill providing that when liquor is shipped from one State into another it shall be subject to the laws of that State. This bill has been known under different names in the past in different Congresses. When I was a candidate for Congress four years ago the question was often asked the candidates in the State I come from, How do you stand as to the "Hepburn-Dolliver bill?" as it was called then.

I favored that bill, and I announced to my constituents that I would support it. I hoped I would have the opportunity, and I believed then, when I had not seen so much of the proceedings of this House as I have since, that I would have the opportunity to vote for that measure. But for three years that opportunity has been denied. There are a number of men on the floor of this House that want to support that measure, that are in favor of it, that have expressed the hope that they might have an opportunity to vote for that bill. No such opportunity has yet been given them. I believe that we ought to have an opportunity in this House to vote upon it. I furthermore believe if the opportunity was ever presented in this House that that bill would pass and become a law.

The CHAIRMAN. The gentleman's time has expired.

Mr. SIMS. Mr. Chairman, I ask that my colleague have five minutes more.

The CHAIRMAN. The gentleman from Tennessee [Mr. Sims] asks unanimous consent that his colleague may proceed for five minutes. The Chair hears no objection.

Mr. HOUSTON. As to the amendment, this merely proposes that no money shall be paid out of this appropriation for this star-route service for the transmission of alcoholic liquors through the mails. I have three other amendments of a similar character, applying to the different branches of the mail service, one to the railway mail service, one to the steamship service, and one to the foreign service. They are all very much the same thing, only they apply to different parts of the service. Now, then, as I said, this provides that liquor can not be shipped through the mails, in that it puts a limitation upon the funds appropriated in this appropriation bill to the extent that they shall not be applied in compensation for this kind of mail service, and, as such, I do not think the amendment is subject to the point of order. This amendment will make it definite, at least, during the time that this appropriation bill shall cover that liquors can not be transported through the mails of the United States. [Applause on the Democratic side.]



This amendment emphasizes the necessity for enacting a law giving to the States a right to control whisky when shipped within its borders from another State. The sentiment of this nation, to my mind, demands the passage of this law. If I am not mistaken in that, it is the duty of the people's Representatives to respond to that demand. They have a right that their views shall be heard and enacted into law. There can be no justification in a course of procedure in this House that will deny to them this right.

If the rules of this House are so manipulated as to defeat this measure in defiance of the American people, a sad day has come for our institutions.

Many States in this Union have taken advanced ground in the way of temperance legislation and great good has been accomplished. Yet their power for good is crippled by the fact that it is beyond the power of the State to control liquors shipped from beyond the State line. I know there is much opposition to all temperance legislation. Those that oppose this legislation grow eloquent in advocacy of personal freedom and individual liberty. Many Democrats in the past have approved this doctrine. Many of them have changed their views and are now most earnest in advocating laws that will prevent the traffic and diminish the use of liquor.

My own State has made great progress in the suppression of the liquor traffic. We have had there temperance legislation that, judged by its result, is among the wisest and best of any State in the Union. What is there known as "The 4-mile law," first intended to have a very limited scope, carried with it more power for good than its framers realized. This scope has been enlarged from time to time, until it now embraces the entire State, with the exception of three or four cities. We have had an object lesson that has convinced our people that it is best for our welfare, material and moral. Lawlessness has been reduced, our criminal dockets greatly cut down. We have seen desolate homes built up and thrift and happiness preside where want and suffering once existed; we have seen weak men built up and made strong in intellectual and moral force.

The opponents of these measures insist that you can not enforce laws to prevent the sale and use of whisky. This argument is as applicable to every statute for the preservation of law and order and for the protection of mankind.

Right here in the capital of the nation it is impossible to enforce laws against robbery and highway assaults so as to prevent them, as is shown by their frequent occurrence; yet I take it that no man would favor an abrogation of the laws against robbery and larceny for this reason. When the American people shall surrender to this doctrine that you can not enforce a wholesome law, then they are ready to surrender their manhood as a civilized and progressive nation. The spirit that supported and sustained our ancestors in carving out this Republic, in establishing law and authority over all opposition, is abandoned when we say we can not enforce a law that the enlightened conscience of the nation says is right.

I know the laws upon this subject have been and will be evaded and circumvented, as all laws are to some extent; but I do know, as every man of common reason knows, that the farther you put whisky away from a man or a community and the more difficult you make it to get, the less of it will be used by that man or that community. No argument can refute this. I believe that the American people can enforce any law when they are alive to its importance and realize that it is best for the welfare and happiness of the people. When we realize, as we are doing more and more fully every day, that "we are our brother's keeper" and that men should "as brothers be o'er all the world," then we can enforce this law.

You hear it said that we have periodical revivals of this temperance craze; that the pendulum is swinging forward in the temperance movement, but will swing back when the excitement of the period passes; that the present temper of the public mind is temporary—not so. The pendulum has not swung backward. It is advancing year by year, gathering force steadily, sometimes checked for a time, but renewed each time with redoubled force, gathering fresh power and vigor with each succeeding onrush, and as civilization proceeds and religion triumphs it will progress.

It is well to develop individual virtue and character as the strongest reliance for safety for nations as for men, but in developing this character I believe in the benefit of healthy and wholesome environments. We are the creatures of influence, more or less, and we do know that "evil communications corrupt good manners," and an ever-present temptation is more than most men can resist. I believe in that doctrine and that spirit that prays lead us not into temptation and that asks to be delivered from evil.

This prayer should be supported by a live faith that will work for what it prays and will use every effort to remove this evil as far away as possible, and every vote that I shall cast shall be to that end.

Mr. OVERSTREET. Mr. Chairman, I insist upon the point of order.

The CHAIRMAN. Does the gentleman desire to be heard upon the point of order?

Mr. OVERSTREET. I think not. If I heard the amendment correctly, I think it undoubtedly not only changes existing law, but makes new law.

The gentleman who offered the amendment conceded that he had sought to incorporate it in the criminal code; and if it is not in the law now, and he is seeking to put it in this law, that would be a change of law.

The CHAIRMAN. The amendment is—

That no part of said sum shall be used to pay for carrying in the mails any malt, vinous, or spirituous liquors or intoxicating liquors of any kind.

The gentleman from Tennessee has stated that the law now prohibits the carrying of any such articles in the mails.

Mr. HOUSTON. By a construction of the Department.

The CHAIRMAN. Very well. Upon its face the amendment seems to be a straight limitation upon the appropriation. It may be that if the law, as it now stands, authorizes the carrying of liquors in the mails this amendment would in its operation affect the carrying out of existing law. But upon that the Chair can hardly pass. There is nothing upon the face of the amendment which leads to the conclusion that it is anything but a limitation upon the appropriation. It is not necessary, however, to rest a decision upon that ground. The paragraph itself already contains certain provisions important to consider. The first proviso is:

That no part of this appropriation shall be expended for continuance of any star-route service the patronage of which shall be served by the extension of rural-delivery service; nor shall any of said sum be expended for the establishment of new star-route service for a patronage which is already served by rural-delivery service.

They are propositions against which no point of order was made. But then there is in the paragraph this further proviso:

That out of this appropriation the Postmaster-General is authorized to provide difficult or emergency mail service in Alaska, including the establishment and equipment of relay stations, in such manner as he may think advisable without advertising therefor.

That is clearly a provision changing existing law, left in the bill by unanimous consent we must presume, no point of order having been made against it.

It has often been ruled that a paragraph itself being out of order having been allowed to remain in the bill, it is in order to amend it by any germane amendment, even though the amendment itself might otherwise be out of order. The Chair overrules the point of order.

Mr. SHERLEY. Mr. Chairman, the statement just made by the gentleman from Tennessee [Mr. HOUSTON], together with the statement previously made by his colleague, the gentleman from Tennessee [Mr. SIMS], when the penal code was being considered, makes it proper that I should state to the House what action was taken by the Committee on the Revision of the Laws and what is the existing law to-day relative to alcoholic liquors going through the mails. A rather sensational statement was made by the gentleman from Tennessee [Mr. SIMS] to the effect that he had discovered what he was pleased to term a "nigger in the wood pile," and that the Committee on the Revision of the Laws, by a proposed section, known as section 218 of that bill, was proposing to authorize and legalize the shipment through the mails of alcoholic liquors.

Now, unfortunately, this is a subject about which some men are frequently apt to be a little extreme, to say the least. The committee found that there was no law existing to punish persons causing the shipment through the mails of articles dangerous either to the mails or to the persons handling them. For instance, as the law exists to-day, if there is shipped through the mails poisoned candy, there is no provision in the statutes which enables the Government to punish the man shipping it through the mails.

That is a condition which we felt ought to be remedied, and which the Commission when it prepared the work, which was the basis of our committee's work, thought ought to be remedied. The result was that they provided that certain articles should not be shipped through the mails, and then provided a penalty for a disregard of that provision. But they also provided:

That the Postmaster-General shall permit the transmission in the mails, under such rules and regulations as he shall prescribe as to preparation and packing, of any articles hereinbefore described which are not outwardly and of their own force dangerous and injurious to health, life, or property.

A majority of the members of the committee believed that it should be left to Congress to declare what would be nonmailable matter, and that it was not the privilege of the Department to exercise a discretion as to what should or should not be permitted to go through the mails. The committee did not feel warranted in a revision of the law to provide that alcoholic liquors should be excluded from the mails, that not being existing law, but that Congress could and doubtless would so provide when its attention was called to the matter. In the existing law there is no provision which prohibits the shipment of alcoholic liquors through the mails. I make that statement as the result of a very careful research and as the result of frequent conferences with the Post-Office Department.

The Post-Office Department claims the right to exclude liquors from the mail, but they base that right on a regulation, and when you ask them for the law which is the basis of their regulation they refer you to what is now the existing law, which is in these words:

Mailable matter of the fourth class shall embrace all matter not embraced in the first, second, or third class which is not in its form or nature liable to destroy, deface, or otherwise damage the contents of the mail bag or harm the person of anyone engaged in the postal service and is not above the weight prescribed by law.

Now, it might be tenable to say that no sort of a liquid under that provision could go through the mails, but that is not the position that the Department takes. To-day you can ship—and there are being shipped through the mails, and properly shipped through the mails, in my judgment—inks that are poisonous and, except for the special packing, dangerous both to the contents of the mail bag and the person handling them; mucilage, antitoxins, patent medicines, and all sorts of liquids; but when it comes to alcoholic liquors, then the Department determines that although the same packing could be used as to them as was used as to inks and mucilages, they shall not be allowed to pass through the mails.

Only now, for my part, I have no desire to have the mails used for the shipment of alcoholic liquors, though there is much to be said in favor of the right of a broker engaged in what is yet a legitimate business, and one from which the Government receives a large revenue, to ship samples of liquor through the mails. For my part I have no desire to have that the law. I do desire, however, that Congress itself shall determine that liquors shall not go through the mails, and not that the Department shall make a discrimination which has no basis either in law or in fact. There is no reason why a mucilage or a red ink can go through the mails without damage to the mail bags or to the person handling it and whisky or beer can not, provided they are all packed so that in case of breakage the contents will be absorbed by the wrapping, which is all that is required by the Department in the case of these other things.

Now, the Committee on Revision of the Laws did not change the law, because, in my opinion, a mandamus would lie to compel any postmaster to receive a shipment of alcoholic liquors. They did not change that law at all, but they simply provided for the punishment of people who shipped through the mails articles that are prohibited from being shipped, and then they said that the postmaster shall make regulations as to articles that, by virtue of being packed in certain ways, may be shipped without injury.

At that time the gentleman from Tennessee [Mr. Houston] offered an amendment excluding liquors from the mails, and it was understood that he would offer on the floor such amendment, and if that bill had continued to be considered by the House he would have offered the amendment, which is similar in purport to the limitation that he has now offered, that alcoholic liquors should not be permitted to go through the mails. The committee on revision believed that by this action of one of its members the matter would properly come before the House for its determination without the committee departing from its generally observed rule of not proposing new legislation touching matters about which there might be division of opinion. It seemed proper, inasmuch as the gentleman from Tennessee [Mr. Sims] had made the charge referred to, that I should make this statement. It is perhaps proper also to add that the print of the bill, coupled with what purported to be existing law, may have misled the gentleman.

Right opposite the new section 218, that was proposed by the committee, two sections were printed which purport to give the existing law, but unfortunately they do not give existing law, because one of those sections is repealed by the other, and while that is known to those who have examined the law, it is, as I have said, what probably misled the gentleman from Tennessee [Mr. Sims]. Section 3878 of the Revised Statutes, after providing that mailable matter of the third class shall embrace all pamphlets, publications, etc., then has a provision excluding from the mails all liquids, poisons, glass, explosive material,

obscene books, etc.; but that section was repealed by section 20 of the act of June 8, 1896, found in the second supplement, page 507, which simply provides, as I have stated, that mailable matter of the fourth class shall embrace all matter not embraced in the first, second, and third class, and so forth.

So that to-day, as the law is, there is no prohibition in terms upon the shipment through the mails of alcoholic liquors. It is for this committee to determine whether they want to create such a prohibition, and inasmuch as the Department is prohibiting the shipments through the mails it would be infinitely better for Congress to clearly pass such a law than to permit this distinction without warrant of law to be made by the Department; in other words, for the Government to cease to be hypocritical and for us to be frank in dealing with the subject.

Now, I think another good purpose may come out of the amendment offered by the gentleman from Tennessee, and that is the avoidance of the error fallen into by the other branch of Congress when dealing with this subject-matter, for when the penal-code bill was considered in the Senate section 218 was so amended as to exclude from the mails all liquids.

Now, it is manifest that to exclude liquids other than alcoholic liquids would work a very great wrong. For instance, to-day a physician can have sent to him antitoxin and various medicines that are in liquid form to places where the express does not carry packages, and where, but for the facilities afforded by the mail, the packages could not be received. Under the modern system of packing there is no greater danger of carrying liquids than there is of carrying an ordinary package of equal bulk. If we are going to legislate on an appropriation bill in regard to this matter, it is well to bear in mind that in striking at the evil that many people think would follow the use of the mail for shipment of alcoholic liquors we do not also interfere with the shipment through the mails of other liquids that can properly go through the mail without doing damage to anyone.

I have taken occasion to make these remarks for the primary purpose of putting the Revision Committee right. I am satisfied that the gentleman from Tennessee [Mr. Sims], having investigated this matter subsequent to his statement, will be more than glad to say to the House publicly, as he said before publicly, that his statement, in the light of the history of the whole affair, was not warranted.

Mr. SIMS. Mr. Chairman, I am glad to have an opportunity to state what prompted me to make the statement that I did. I would have made it long ago had it not been that I expected that the same bill would be back here and the section be reached. It became manifest that there was a disposition, from the various votes given on that bill at the time it was being considered, to vote with the committee, and that is perfectly natural. We all do that. I supposed that the committee had considered everything carefully and that in the main they were right. I will trust to the committee any time when I have not investigated the matter. As I stated at that time, I saw a gentleman in the gallery of the House—and when I say gentleman I mean it, because I knew nothing discreditable to him—a gentleman who had been before the District Committee in opposition to temperance legislation. Naturally I supposed there was something in the bill that we were then considering in which the interests he represented were interested, because I knew he was not in the gallery to hear what he was then hearing in a general way.

I began an examination of the criminal-code provision, and first examined the internal-revenue provisions, and I found nothing there that I thought he was interested in. I turned to the provisions of the postal laws. As the gentleman from Kentucky kindly stated, at that time I had seen no report and heard no reference to any except the large printed one which Members were referring to, when discussing the bill, as the report, on the left-hand page of which was printed what purported to be the law as codified, and on the right-hand page the law as it stood without the codification. I read first the law as codified, and then I read the provision on the right hand which provided as nonmailable matter all liquids and the provision which the gentleman from Kentucky referred to making it mandatory on the Postmaster-General to mail the matters therein, provided they were packed in the manner prescribed in the codified law.

Now, it looked to me, not with an ulterior motive, not charging the committee with intending to do something covertly or underhandedly by means of this revision, without it being particularly pointed out, but that it did change existing law in the manner reported; and I did call it a "nigger in the woodpile," meaning that by means of a revision there was made a change of existing law without having it pointed out in the report. With all I had before me then I felt I was fully justified in making the remark that I did, but my purpose was to get gentle-



men on the other side, who are in the majority, to examine the section referred before we reached it, and vote upon it from an understanding of what was in the section, and not merely to be regular and stand by their side in the committee. If I had seen the other part of the report, I would not have used the language I did, and I was very glad to know that it was the intention of my colleague from Tennessee [Mr. Houston] to offer the amendment which I learned he had offered in the committee and had notified the committee that he would offer it in the House positively excluding intoxicating liquors from the mails, and I have no doubt that when that bill is considered, if it is ever so considered, that amendment will be so offered by him and supported by both the gentlemen from Kentucky [Mr. SHERLEY] and my colleague from Tennessee [Mr. Houston].

But, for fear that bill may not reach us, I hope the House will vote for the amendment of my colleague now. The excluding of alcoholic liquors at present is by regulation of the Department, by departmental law, if the gentleman from Kentucky [Mr. SHERLEY] is correct in his contention, and with the investigation he has made I will not controvert it. Therefore it is of more importance that we should make it mandatory, because some subsequent Postmaster-General may differ from this one and take off the brakes or change the regulations. Therefore I hope that the committee will vote for the amendment.

Mr. MANN. Mr. Chairman, I offer the following amendment as an amendment to that offered by the gentleman from Tennessee.

The Clerk read as follows:

Insert at the end of the amendment the following: "or any cocaine or derivative thereof."

Mr. MANN. Mr. Chairman, if the amendment of the gentleman from Tennessee prevails, it prohibits the transportation of alcoholic liquors by mail. This adds to that the prohibition of cocaine by mail. I take it that if the amendment should prevail—

Mr. SULZER. Why not put in morphine also?

Mr. MANN. It means that in the Senate or in conference the provision will be carefully corrected and put in shape of a more perfect provision of law than could possibly be had by offering it as an amendment on an appropriation bill in the first place, the gentleman being required to so form his amendment so as to keep it in order. Now, while the transportation of liquor by mail in many places is undoubtedly a great detriment to the people, it is true to a much greater extent, probably, that the transportation of cocaine and its derivatives, like alpha and beta eucaine, and heroin, and others, is of much greater detriment. In the investigation concerning the pure-food law we determined, and the House put the provision into the law requiring, that all of those articles should be named either upon medicines or upon foods. It has been called to my attention, growing out of my interest in this matter, that in some places they are circulating advertisements and extensively selling small quantities of cocaine and its derivatives and sending them by mail.

Mr. GAINES of Tennessee. What are the derivatives?

Mr. MANN. Alpha and beta eucaine and heroin and a number of others. They are perfectly well known in the drug business and to the medical profession. There are a great many of them. If there is to be any prohibition in the law of things to save people from becoming slaves to habit, of all things that should be safeguarded are the mails. I was told this morning that in the city of Richmond, right close to us, it was a most common thing to-day to obtain cocaine or some of its derivatives by mail, and that some people, doing business not a hundred miles from Washington, were engaged in advertising these classes of habit-forming drugs, especially in that place. The same is true in a number of other places, and there is a very widespread demand upon the part of the people who have taken notice of that matter that as far as possible the mails shall not be used for the transportation of these habit-forming drugs to people who become slaves of the habit and whose health is ruined by the use of the drug.

Mr. SULZER. Will the gentleman consent to put the word "opium" after the word "cocaine?"

Mr. MANN. If the gentleman will pardon me a moment I will state that I first wrote the amendment "cocaine, opium, or any of the derivatives," and the question was raised as to whether that would permit the transportation of paregoric or things of that sort in the mails, and while personally I do not think that is a derivative of opium, I think it would be best if we could insert in the bill an item calling attention to this

project, to let it be perfected in a way where it could be perfected, when the committee would have a better opportunity of considering it either in the Senate or in conference.

Mr. SULZER. Opium is twice as deleterious to health as cocaine.

Mr. MANN. Well, not so bad as cocaine.

Mr. HOUSTON, Mr. GAINES of Tennessee, and Mr. CRUMPACKER rose.

The CHAIRMAN. The Chair will recognize the gentleman from Tennessee [Mr. Houston].

Mr. HOUSTON. If I may be permitted, I may say that I am willing to accept the amendment offered by the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. GAINES of Tennessee. Mr. Chairman, just a word or two about these amendments. I am in favor of both, and I hope they may be adopted. The liquor proposition has been thoroughly discussed, and I trust that it will do as I think it will—that is, help the "dry" States, and Tennessee is almost one of them, and even the "wet" States enforce their local laws against intoxicants. We should not send anything through the mails that will interfere with the mail service or that tends to break down the local laws, and especially the police laws of the several States. Now, I happen to personally know that the mail, Mr. Chairman, is being used for the distribution of cocaine and other things with cocaine in them, notwithstanding there are strict local statutes that say it shall not be used unless a physician prescribes it.

All over the United States, in the principal cities, are advertisements sent through the papers to the effect that they will send you so much cocaine, and the cocaine victim will read it, and he will send there for it. He will send a postage stamp, he will send a copper, he will send any kind of money, or any amount of money to get the amount of cocaine that the law of his State or city says he shall not have, and which the doctor prescribes he shall not have. And yet he defeats the law of his State, the prescription of the doctor, by the efforts of these people who send it through the mail. I do hope, Mr. Chairman, that both of these amendments will be adopted.

Mr. OVERSTREET. I have no objection to either amendment. I ask for a vote.

The CHAIRMAN. The question first is on the amendment of the gentleman from Illinois [Mr. MANN] to the amendment of the gentleman from Tennessee [Mr. Houston].

The question was taken, and the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment of the gentleman from Tennessee as amended.

The question was taken, and the amendment as amended was agreed to.

Mr. HOUSTON. Mr. Chairman, I desire to offer a similar amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 16 amend by adding at the end of line 16 the words: "Provided, That no part of said sum shall be used to pay for the carrying in the mails of any malt, vinous, or spirituous liquors or intoxicating liquors of any kind."

Mr. OVERSTREET. Mr. Chairman, I reserve the point of order on that.

The CHAIRMAN. The Chair will state that, the paragraph not having yet been read, the amendment is not now in order.

Mr. JOHNSON of South Carolina. Mr. Chairman, at the end of line 14 on page 16 I desire to offer an amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment which the Clerk will report.

The Clerk read as follows:

Provided, That rural carriers who are required to carry locked pouches shall be paid out of this fund the sum of \$10 per month in addition to their compensation as now fixed by law.

Mr. OVERSTREET. Mr. Chairman, I reserve the point of order upon that.

Mr. JOHNSON of South Carolina. Mr. Chairman, of course the amendment is clearly subject to the point of order, and it is not necessary to discuss it. I ask permission to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. JOHNSON of South Carolina. Mr. Chairman, I very much regret that the gentleman from Indiana [Mr. OVERSTREET] has made the point of order against this amendment. It is clearly subject to the point of order and must therefore go out

without giving the House the opportunity to vote upon what I believe to be a meritorious proposition. The maximum pay allowed rural letter carriers is \$900 per year. In many instances the rural letter carriers are required to carry lock pouches to supply fourth-class post-offices which they reach. This work results in a large saving in that it prevents the necessity of keeping up the star route at a considerable expense. It does seem fair and just that the rural letter carrier, who has this additional work placed upon him and thus saves the Government a large sum of money, should have some compensation for this extra work. I have offered a very moderate amendment, which provides compensation for this extra service at \$10 per month. I know in my own district there are instances in which rural letter carriers carry lock pouches to offices which are the distributing offices for a number of rural routes. I think the chairman of the Committee on Post-Offices and Post-Roads should permit the amendment to be voted upon.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For inland transportation by steamboat, or other power-boat routes, \$800,000.

Mr. HOUSTON. Mr. Chairman, I now desire to offer the amendment.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read.

Mr. OVERSTREET. Mr. Chairman, I reserve the point of order on that.

Mr. HOUSTON. It is the same amendment as the other one, only it provides for the transmission of mail by steamboats. That is the only difference.

Mr. OVERSTREET. Exactly the same language as the amendment that has been adopted?

Mr. HOUSTON. It is the same language without the amendment of the gentleman from Illinois [Mr. MANN], but which I should be glad to see added to it.

Mr. OVERSTREET. Mr. Chairman, I want to say as to the point of order, while I will make no objection on the merits of this amendment, I want to again address the Chair upon the subject of the point of order, as I did before.

It seems to me, Mr. Chairman, that a provision of law which prohibits the use of any part of an item of appropriation for the carriage of any specific article in the mail would be obnoxious to the rule, unless there was some machinery provided whereby you could ascertain and identify the article which you seek to prohibit. How are you going to tell whether a package which was sealed and paid for at a rate which will not permit the seal of the package to be broken, whether or not it contains any of those articles which you seek to prohibit? Take some cocaine, or even a small vial of liquor, that is incased in a package, which is not broken, upon which a sufficient amount of postage has been paid to guarantee that it shall not be broken. First-class mail can not be broken. How is it to be determined, and when we seek to determine, what officers of the law are called upon to exercise that function? I am not insistent in opposing either one of these amendments upon their merits, but I do not want to fail to call attention of the Chair to the law when it is proposed to put legislation of this character upon a bill of this kind.

Mr. HOUSTON. Mr. Chairman, it seems to me that all that the gentleman has said might be said with equal propriety as to a limitation of any character as to any appropriation. I believe it would be better to enact a clause in the penal code to make it a crime and punish it as such to ship liquors through the mails; but when it comes to this case, it is only a limitation, and the same criticism can be made to any limitation of any appropriation whatever that would apply as well to any other limitation or prohibition as it does to this.

Mr. OVERSTREET. Just one further word, Mr. Chairman. When a limitation upon an appropriation is sought to be effected, that limitation must be certain in its purpose and must be reasonable. You can not say because you put words in a phrase that seeks to impose a limitation that you thereby escape a point of order. You might say, "Provided, That no part of this sum shall be used for carrying the mail on any vessel if the master is less than 8 feet in height." That would be a limitation, but it would be a foolish limitation. I undertake to say that the limitation in this amendment is not a reasonable limitation, because it can not be enforced. If this subject was before the House upon its merits, I would very willingly support it; and yet there is not the same justification for this amendment to be applied to this item of appropriation as there was to the former item of appropriation, because the former limita-

tion was to put into law what is now the practice or regulation of the Department, where there is a limitation of the Department on the carrier upon the star routes. He can be directed not to receive packages which in themselves would appear to be packages which it is sought to prohibit.

But when you seek to prohibit by what I think is an unreasonable limitation the use of transportation that is upon steamboats, why that leads into all varieties of boats, large and small, large items of mail that go into the mail transportation, without a proper knowledge and means of ascertaining whether or not any of those prohibited articles are in the mails when carried.

Mr. MANN. Will the gentleman yield to me for a question?

Mr. OVERSTREET. I yield to the gentleman from Illinois.

Mr. MANN. I quite agree with the gentleman that practically it would not be possible to carry out the provisions of the amendment in the shape the amendment is offered. But is it not practical, with the amendment in the bill, or another amendment like this going into the bill, to perfect that legislation in the Senate or in conference? Of course, necessarily, an amendment offered like this has got to endeavor to conform to the rules when it is offered. Would it not be practical in the bill, before it becomes law, to have a prohibition which might be effective?

Mr. OVERSTREET. I can think of no amendment of the statute that would meet the situation except it should be a universal provision that hereafter no article of such character shall be admitted to the mails at all, anywhere, and fix a penalty. There is no penalty in this amendment offered here.

Mr. MANN. I know; that is just it. The gentleman understands that you have got to have some things put before the House in the way the rules provide. Here is the point of it. This is now in the bill. Is it not possible for the gentleman to work out a proposition of this sort, so that the provision can be changed in the Senate or can be inserted in conference?

Mr. OVERSTREET. I think there is no means whatever that would apply to a provision of this character that does not apply to fifteen items of the bill in order to perfect that kind of legislation.

Mr. MANN. I agree with the gentleman on that.

Mr. OVERSTREET. There is already something in the bill.

Mr. MANN. The best place for this item, if it is in order there, would be on the item for inland transportation by railroad routes.

Mr. OVERSTREET. I think so.

Mr. MANN. Of course, that would cover everything.

Mr. OVERSTREET. Of course, that would cover everything.

Mr. MANN. But this amendment might be in order on the item to which it has already been made, and not be in order on the other item.

Mr. OVERSTREET. I can not think so.

Mr. MANN. Because the paragraph to which the amendment has already been made was itself subject to a point of order, and hence, as this paragraph is not subject to a point of order, a different question arises. As far as I am concerned, my own judgment would be that this amendment is not in order on this paragraph. I think it is a change of existing law, and yet it is a very close line of authority and decision as to whether this is a mere limitation or a change of law. I take it, in any event, that if it is inserted in the bill the gentleman will endeavor to work it out so that it will be practicable as a legal proposition.

Mr. KEIFER. Mr. Chairman, I wanted to suggest one thing in the interest of a good and sound parliamentary rule, to be applied in this and all like cases. I am not opposed to this amendment. I think the other amendment that was just adopted was in order, for the reason just stated by the distinguished gentleman from Illinois [Mr. MANN]. That is, that it was an amendment to that which was not objected to, but which would have been subject to a point of order if it had been made. One test, and perhaps the proper test, of this modern rule allowing a provision to be in order on an appropriation bill when it is a limitation on the money proposed to be appropriated, is whether the provision or amendment proposed is intended to prevent the use of a part of the money at all, or merely to prevent its use for a certain purpose. If the amendment proposed merely excludes from the mails the things mentioned, it is not a limitation within the rule. If that is the object of it, and that is the thing to be or that will be accomplished, then it is not in order, unless it follows that in excluding those things it saves the money to be appropriated from being expended at all.



If the money is to be expended in a way provided for in the bill, without reference to whether these things are excluded or not excluded, then the rule, as I have understood it hitherto, and I think it is and should be the rule now, would be to treat the amendment as a mere proposition to exclude from the mails the things that are referred to, and not in order for the reason it is not a limitation on the expenditure of the money, because the money is to be expended at all events. That is the way I understand the chairman of the Committee on the Post-Office and the Post-Roads understands it, and that the amendment is not to save the money. It might well be that when money is proposed to be expended you may say that it is only to be expended for a certain purpose, and then if it is not necessary for that the money shall not be expended at all. Here it is proposed to expend the money, but to tack on a clause that the money is not to be used for certain purposes will only, as in this case, exclude some things from the mail and results only in making a law prohibiting the things named in the amendment from the mails, and not in preventing the money from being expended. Under the guise of such limitations much wholly new legislation can be put in appropriation bills, and the spirit if not the letter of the rule will be violated.

Mr. CRUMPACKER. Mr. Chairman, it seems to me that the proposed amendment is in order. It is clearly a limitation, and I thought that question was decided by the Chair in the ruling the Chair made upon the amendment offered by the gentleman from Tennessee on the paragraph just preceding the one now under consideration. The amendment is a limitation of the appropriation. It provides, as I understand it, that no part of the appropriation shall be used for carrying certain kinds of mail that under the law are available. It does not change the law. The effect of it is that Congress refuses to make an appropriation for carrying certain classes of mail that is now admitted under the law. It is generally understood, it is known by every Member of the House, that Congress may appropriate or withhold appropriations for legal purposes. Congress may appropriate for one of a number of legal purposes, and not for others. Now, numerous articles are available. Appropriations may be made to carry them all. Congress may provide, however, in connection with the appropriation, that no part of it shall be used to carry one particular line of articles. Does that repeal the law? Does it change the law? No; it is a limitation upon the appropriation. That is all there is to it. It simply expresses the purpose of Congress not to appropriate money to carry certain kinds of matter that it might appropriate money to carry. Congress need not appropriate money to carry anything. It may appropriate money to carry certain classes and not others, and under the rules of the House it can only express that intention in the form of a limitation upon the appropriation itself.

Now the question, Mr. Chairman, of the difficulty that may arise in the administration of the provision is not one that may affect the validity of the amendment. It is not one that can be considered in connection with its admissibility under the rule; that is a matter that addresses itself to the discretion of the House when it comes to act upon the proposed amendment. It may be a foolish amendment, it may be one that it is difficult to administer, but I repeat that that question addresses itself entirely to the good sense of the House when it comes to act on the amendment proposed. I think this amendment is exactly in line with the amendment offered by the gentleman from Tennessee a few moments ago, which was upheld by the Chair.

The CHAIRMAN. This amendment, unlike the one upon which the Chair ruled, is offered to a paragraph which is of itself not subject to a point of order. The question, therefore, comes up squarely for decision whether or not this amendment is to be considered as merely a limitation upon the appropriation, or whether it changes existing law.

The Chair listened with great attention to the argument of the gentleman from Indiana [Mr. OVERSTREET], and if this were entirely a new question, might be inclined to give it more consideration than it now feels at liberty to do. It may be that the operation of this amendment would be difficult. It may be that it would be impossible to carry it into effect without stopping the entire transportation of the mails by inland waters, and yet, if it did, would that take it out of the position of a limitation upon an appropriation? It is within the power of the House to refuse to appropriate at all, which would, of course, stop the transportation entirely. It may be that this is a very unwise amendment, but upon that the Chair can not pass. It may be that the operations of the Department in determining what does go by mail would be so affected as to make it impossible of carrying the mail at all if this amendment were adopted. That is a matter for the House or the committee in its wisdom to determine, and not for the Chair.

The Chair must be guided, it seems, by what appears on the face of the amendment, unless some provision of law is shown to be changed by the amendment as offered.

It has been held in several instances that, while it is not in order to legislate as to qualifications of recipients of appropriations, a general appropriation bill may specify that no part of the appropriation shall go to recipients lacking certain qualifications. Again, it has been held that an amendment providing that no part of an appropriation shall go to a Soldiers' Home where a canteen is maintained—involving, of course, an investigation to see whether a canteen was maintained—was a mere limitation upon the appropriation and therefore in order. It was held very recently that, while it is not in order on an appropriation bill to require letters on public vehicles, it is in order to withhold the appropriation from all vehicles not lettered. It has been held in order to provide in an appropriation bill that no part of an appropriation shall be expended in the payment of adjudicated claims until the said claims shall have been certified as finally adjudicated. An amendment that no part of an appropriation for the Army should be available for an army of over a certain size has been held in order as a limitation and not as a change of existing law; so it has been held that a provision that no part of an appropriation for an article should be paid to any trust was in order as a limitation. These precedents would seem to rule the pending case.

In other words, the power of the House to refrain entirely from making an appropriation argues that in making one it has the power to provide that it shall not be used in a certain manner or for a certain purpose. While the Chair would, if this were an original proposition not covered by precedents, think it very close under all the circumstances, the Chair feels constrained to overrule the point of order.

Mr. MANN. I move to amend the amendment by adding at the end thereof "or any cocaine or derivative thereof."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment at the end by adding "or any cocaine or derivative thereof."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois to the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from Tennessee as amended.

The question was taken, and the amendment as amended was agreed to.

The Clerk read as follows:

For the transmission of mail by pneumatic tubes or other similar devices, \$1,000,000; and the Postmaster-General is hereby authorized to enter into contracts not exceeding, in the aggregate, \$1,388,750, under the provisions of the law, for a period not exceeding ten years: *Provided*, That said service shall not be extended in any cities other than those in which the service is now under contract under authority of Congress, except the borough of Brooklyn, of the city of New York, and the cities of Baltimore, Md.; Cincinnati, Ohio; Kansas City, Mo.; Pittsburg, Pa., and San Francisco, Cal.: *Provided*, That no part of this appropriation shall be expended for any extension of pneumatic-tube service in any city, where by limitation of franchise or ordinance, a special taxation or exaction other than the ordinary taxation upon property generally in such city is imposed; nor where provisions in any franchise or ordinance may require the ultimate ownership of such tube property by such city, except at a reasonable cost.

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on that paragraph.

Mr. JOHNSON of South Carolina. Mr. Chairman, I reserve a point of order on that proviso beginning on page 16 with the word "*Provided*" and ending on page 17 with the word "cost."

Mr. OVERSTREET. Mr. Chairman, I did not quite catch what the gentleman from South Carolina said.

Mr. JOHNSON of South Carolina. Mr. Chairman, I reserve a point of order against this new legislation.

Mr. FITZGERALD. Mr. Chairman, reserving a point of order against the paragraph, I wish to call the attention of the committee to the object in doing so.

Mr. OVERSTREET. I presume the gentleman is referring to the last proviso.

Mr. FITZGERALD. Yes. I would first like to state the facts and then call the attention of the gentleman to another situation, which I doubt that the committee had in contemplation at all.

In the first place, this proviso to which I have offered objection, "that no part of the appropriation shall be expended for the extension of pneumatic-tube service in any city where provision of any franchise or ordinance may require the ultimate ownership of such property by such city except at a reasonable cost," applies, I understand, to the city of Chicago.

Mr. OVERSTREET. It applies wherever those conditions exist.

Mr. FITZGERALD. But particularly now to the city of Chicago. In that city the Pneumatic Tube Company has a franchise which runs for a period of twenty years. It has fifteen years yet to run, and the franchise provides that at the end of the twenty years the company shall convey all of its rights and property to the city of Chicago free of cost. The hearings show that the company has attempted to obtain from the common council of the city of Chicago a modification of its franchise, so that when the franchise expires the city shall pay to the company compensation for its property.

Mr. CRUMPACKER. Let me ask the gentleman if this proviso does not apply also to every city that imposes a license tax upon a theater, upon a saloon, or upon a franchise, or any kind of business excepting a general property tax?

Mr. FITZGERALD. So far as it applies to pneumatic tubes. Mr. CRUMPACKER. I want to call the gentleman's attention to the fact that it is not limited to pneumatic tubes.

Mr. FITZGERALD. I think it is. Outside of the extraordinary attempt on the part of Congress that this would be to coerce the municipality into modifying a franchise, this provision applies with particular force to a situation that may arise in the city of New York. In the city of New York and its several boroughs there is a pneumatic-tube service. The city is building, either with its money or with the city's credit, a great system of subways. It is intended in time to utilize these subways not only for the passage of passenger cars, but to install pneumatic tubes, telephone wires, telegraph wires, and as many other public-service conveniences as can readily be inserted into the subways, and thus prevent the continual digging up of the public streets and the consequent interference with business.

These subways in the city of New York are being built in such a way that the city either owns them now or ultimately will. They are operated by lessees. Under this provision, if it be incorporated into the law, if the pneumatic-tube company in the city of New York obtained a license from the city to build its tubes through the subways, and agreed that at the expiration of a certain number of years the city should own the tubes, then it would be an impossibility for the Post-Office Department to expend any money in a pneumatic-tube service carried in those tubes unless the city modified its agreement and agreed to pay for the rights and privileges and property of the corporation willing to accept a franchise upon the other conditions. I believe this is an indefensible proposition. I know that in the hearings it is asserted that in the city of Chicago, because of this peculiar franchise which this company accepted, I suppose with great eagerness, it is difficult now to obtain money to provide for the extension of the pneumatic-tube service, because the franchise has only fifteen years more to run, and at the end of that time the property will belong to the city of Chicago.

I think it would be a great benefit to the Federal Government to have the municipalities own the pneumatic tubes. Of what use would they be except to permit the Federal Government to utilize them free of cost in order to facilitate the transmission of the mails in the city. I have no doubt that in every city wherein the municipal authorities owned or controlled a great system of pneumatic tubes it would gladly permit the Federal Government to utilize them in order to obtain the additional facilities that would result in the mail service. To incorporate into this bill that if a company willingly accepted a franchise providing that at the end of a certain time it will donate or turn over its property to the city, a condition that under such circumstances no money appropriated for a pneumatic-tube service could be expended in tubes so operated under such franchise, is an outrage upon the great municipalities of the country.

I shall prefer to see the entire provision for the extension of pneumatic-tube service in the great cities of the country, including the city of which I am a resident, eliminated from this bill rather than that the power of the Federal Government should be utilized as a club to coerce municipalities or any portion of their government into rescinding the provision that requires the turning over of such property free, and coerces the municipality into paying for the property at the end of the franchise period. For these reasons, Mr. Chairman, unless an agreement can be reached that the last clause of the paragraph can be eliminated, I shall insist upon this point of order.

Mr. MANN. Mr. Chairman, it looks to me as though the provision as it is printed in the bill would prohibit the expenditure of any of the appropriation for pneumatic-tube service in Chicago. The pneumatic-tube service is now established.

I take it, it was the intention of the committee in framing the bill, however, to make this provision only apply to the extension of the pneumatic-tube service.

Mr. GOEBEL. It says so.

Mr. MANN. I beg the gentleman's pardon. In my judgment, he is mistaken. The first proviso says that "no part of this appropriation shall be expended for any extension of pneumatic-tube service where," and so forth, and then comes the end of that clause and then a semicolon; then "nor where provisions in any franchise or ordinance may require the ultimate ownership of such tube property." I think "nor where" relates back to "no part of this appropriation shall be expended," so that if the provision as it stands in the bill shall become a law, no part of the appropriation could be expended. It is a matter that could be easily fixed by punctuation.

Now, in the city of Chicago a franchise was granted to the Pneumatic Tube Company at the time when it became the settled policy of the city to require a percentage of the gross receipts of any company making use of the streets in any way to be paid into the city treasury. The Pneumatic Tube Company was not excepted from that settled policy of the city. I am personally inclined to think that the city ought not to require a percentage of the gross receipts of a pneumatic tube, devoted wholly to the transportation of mails, to be paid into the city, because probably that means that in order to accommodate the city, and provide for its mail delivery there, the National Treasury shall pay part of the appropriation into the city treasury. But, of course, Congress in its willingness is desirous of contributing something to the city treasury of Chicago. We have not any too much money in our city treasury, and we would be very glad to have the benefit of the National Treasury to help us.

Mr. JOHNSON of South Carolina. Will the gentleman let me interrupt him?

Mr. MANN. Certainly.

Mr. JOHNSON of South Carolina. I wish to say to the gentleman that the United States Government pays the full limit of \$17,000 a mile in every city where the service is in operation. So we do not pay any more in Chicago than we do anywhere else.

Mr. MANN. It may be. I was about to say that I did not know whether the full limit was being paid or not. I do not know about that provision as to the extension. My understanding is, however, that in the past it has been impossible to get the company to extend its pneumatic-tube service, because in one way, or to some extent, at least, it was claimed that part of the revenue had to be paid into the city treasury, but it does seem to me that there may be decided objections to that portion of the proviso concerning which the gentleman from New York [Mr. FITZGERALD] has already spoken, and which would prohibit the franchise or city ordinance from requiring ultimately the property of the tube company coming to the city. I am inclined to think if the city of Chicago or any other city in granting a franchise for the pneumatic tube can ultimately acquire the ownership of the tube, that means the General Government will obtain it in the end free of cost. It is undoubtedly true, I would say, that if the city of Chicago should now become the owner of the pneumatic-tube service there, now devoted wholly to the postal service, the city would have no use for it.

The city has no occasion to make use of the pneumatic-tube service, and it would naturally and willingly turn it over to the General Government if the Government desired to use it. And I can see no reason why the city should not require in its ordinance that ultimately the ownership of the tube should come to the city, and thereby afford the opportunity of having it come to the General Government.

Mr. CRUMPACKER. I want to ask the gentleman a question or two in relation to the service in Chicago. I understand from him that the tube service there is used exclusively in the transmission of mails?

Mr. MANN. That is my understanding of it.

Mr. CRUMPACKER. Is it capable of use for any other purpose than the transmission of mails?

Mr. MANN. It would be capable of other use undoubtedly to a certain extent if the mails were not transported in it, but I think it is not capable of transporting the mail and other packages besides.

Mr. CRUMPACKER. It would not be practical, then, to use it for the transmission of private matter and mail at the same time?

Mr. MANN. I think not. These tubes run from the city post-office in the various cities using the system for the transmission of the mails.

Mr. CRUMPACKER. It was constructed for the transmission of mails under a contract with the Government?



Mr. MANN. Of course it is owned by a private corporation.  
Mr. CRUMPACKER. Not by the city?

Mr. MANN. It is owned by a corporation. They are all practically owned by the same corporation. Its name was very familiar at one time since I first came to Congress. They were as thick as flies at one time.

Mr. GAINES of Tennessee. How many of these tubes are in service, and in what cities are they in service?

Mr. MANN. Well, I can not tell the gentleman. They are in service now. They are in service in New York and in Chicago, Philadelphia, and, I think, St. Louis also, although I am not sure about that. They are in service principally in New York and Chicago. There are eight or nine miles in Chicago; how many miles there are in New York I do not know.

Mr. OVERSTREET. The bill provides, I may say to the gentleman, that they may be used in other cities.

Mr. GAINES of Tennessee. I would like to ask the chairman of the committee a question or two about this.

Mr. OVERSTREET. If I can have the attention of the committee I can explain the whole matter.

Mr. GAINES of Tennessee. How many cities have this tube service?

Mr. OVERSTREET. If I may have permission I will answer.

Mr. Chairman, under the act of 1902, establishing the operation of the pneumatic-tube service, the service has been installed in five cities—the cities of Boston, New York (including Brooklyn), Philadelphia, Chicago, and St. Louis.

A few years ago authority for the extension of the service was made so as to provide for the service in five additional cities, namely, the cities of Baltimore, Pittsburg, Cincinnati, Kansas City, and San Francisco, and further extensions authorized in the original five cities which I have just named. There are no contracts in operation in any one of those five new cities. All of the contracts are in the five original cities. The appropriation is sufficient to carry out the contracts now in existence. It does not cover sufficient money to carry out any new contracts in any one of the five new cities because, even if under the authority they should make the contract, it would be impossible to put them in operation in time to make any draft upon the appropriation during the next fiscal year.

Mr. GAINES of Tennessee. How much does it carry now?

Mr. OVERSTREET. One million dollars, I think.

Mr. GAINES of Tennessee. How much increase is that?

Mr. OVERSTREET. Well, it is a decrease, as a matter of fact, of two or three hundred thousand dollars. We made a decrease because we found that no new contracts had been entered into. Now, Mr. Chairman, the last proviso the committee has inserted for a certain reason. That is to discourage in the future any new contracts (because the committee recognize the contracts that now exist; and if it did not recognize them it would be unlawful and could not be enforced), but in the future there ought not to be any additional contracts for extension of the service when the city within which the service is situated exercises the power to place heavy exactions upon the service so as to make it a burdensome transaction. This is entirely for mail facilities. These tubes are used for no other purpose at all, and I take it that where the Government has made contracts at considerable expense, at a high rental for the use of the tubes for the benefit of the people of those localities in order to facilitate the collection and delivery of the mail, that those cities should have sufficient patriotism to at least refrain from making extraordinary exactions upon that property.

It may be said, as the gentleman from New York said, what difference is it so long as the contractor makes no objection? There is just this difference, Mr. Chairman: Wherever an unusual charge is laid upon the property the contractors, you may depend upon it, will pass that burden back upon the Government itself in its charges. It is true that the payments now under the various contracts are for the maximum authorized by law, and they will always be the maximum as long as these extra exactions are permitted. And I imagine that in the future, if this tube service shall be extended, if we can be assured that these localities will make no greater tax levy or assessments upon that property than it makes upon property generally of that community, that in time we may hope, at least, and expect lower rental charges.

Mr. CRUMPACKER. One thing I want to call the gentleman's attention to.

Mr. OVERSTREET. I want to yield to the gentleman from South Carolina first.

Mr. JOHNSON of South Carolina. The gentleman has already stated what I wanted to ask him. We are paying more, perhaps, in New York than in Boston, so that the burden does now fall back upon the Government.

Mr. OVERSTREET. Now, the gentleman will appreciate the fact that this provision is not entirely for New York and Chicago. Authority is now made by law for the extension to five new cities. But in these cities it is quite possible for these burdens on franchise limitations to be exacted; and if the gentleman will permit me just a moment, under the law of 1902 \$17,000 annual rent is the maximum rate in cities where the mileage of the tube service is in excess of 3 miles. By general provision of the law the rate of expense for the tube service is less in each instance than 3 miles, so that it is entirely possible under the law for a higher rate than \$17,000 a mile to be tube service shall not exceed 4 per cent of the gross receipts of the post-office in a community where it is proposed to locate the service in those five new cities. The mileage authorized by law is less in each instance than 3 miles, so that it is entirely possible under the law for a higher rate than \$17,000 a mile to be made, providing that the total expense in each city shall not exceed 4 per cent of the gross receipts of the office in those respective cities.

Therefore it is important that before any of these contracts shall be made there be a limitation that this expenditure shall not be made where there is an undue requirement or exaction by the city in the franchise.

Mr. CRUMPACKER. Right upon that question, in reading this proviso, it seems to me that there is some uncertainty in connection with this question of taxation. The proviso is that no part of this appropriation shall be expended for any extension of the pneumatic-tube service in any city where by limitation of franchise or ordinance a special taxation or exaction, other than the ordinary taxation upon property generally in such city, is imposed.

Upon what? It is not limited to the tube-service property. It may fairly be construed to be upon any other property. It occurred to me that in the interests of certainty that ought to be qualified "imposed upon the tube service."

Mr. OVERSTREET. The meaning of that is that the tube property shall suffer no greater taxation than property generally.

Mr. CRUMPACKER. I understand that is the purpose of it, but I think you have not expressed it with sufficient certainty so as to leave it free from doubt.

There is one other proposition. Let me ask the gentleman if provision is made now against the imposition of any extraordinary tax or exaction upon the tube-service property what is the object of the second clause in the proviso, in relation to the character of contracts with the city? Is the Government fully protected by providing against the imposition of any extraordinary taxation or levies upon the tube-service property?

Mr. OVERSTREET. I think the most objectionable part is the provision for ultimate ownership of the property, because, undoubtedly, where a city, granting an original franchise for tube service to be inaugurated, requires that ultimately the city shall own all of the property it is more objectionable than a simple franchise tax.

Mr. CRUMPACKER. But I do not understand how that can affect anything.

Mr. OVERSTREET. Just in this way: Suppose they require that on a ten-year contract at the end of the term the property shall become owned by the city, why, naturally, the parties would not contract with the Government unless they could exact a sufficiently high annual rental to compensate them for the original investment.

Mr. CRUMPACKER. The parties probably would not construct a tube system, it would seem to me, under any such conditions and limitations. It occurred to me that there is some danger of this standing as a precedent for our regulating the system of taxation in the various municipalities, through limitations upon appropriations. My first impression was that this was a dangerous provision. As explained by the gentleman from Indiana, I can see how it is proper, under certain restrictions. But suppose, now, some gentleman should propose that no part of this money should be expended in any city where the liquor traffic is licensed. That would probably go through the House.

Mr. OVERSTREET. I do not doubt that it would. That undoubtedly would affect the city of Chicago.

Mr. MANN. I doubt whether it would have any effect in Chicago. [Laughter.]

Mr. CRUMPACKER. It would doubtless apply to several large cities in the country. It seems to me this is a dangerous proposition to enter upon, and that we want to consider it with a good deal of care. But, of course, the Government must protect itself.

Mr. OVERSTREET. With reference to this last provision,

relative to ultimate ownership of the tube property, and possible contracts in the five new cities where the service has been authorized to be installed; supposing in any one of those five new cities a contract or franchise should be authorized under the terms of which at the end of ten years the tube property should become owned by the city itself. Then the contracting parties would ask the Government to increase the annual rental of those tubes, so as to enable them to recoup themselves for their original investment.

How do they do it? Why, they refuse to inaugurate the service here except upon the rental, which would be equivalent to the use of the tube for the term of years including their operation and a fair profit on the investment and the original cost of the property.

Mr. MANN. Of course this is a practical question and not a theoretical question merely. The gentleman knows that if any city should require the tube to become its property at the end of ten years, there would be no tube service in a city that made such a requirement. No company could afford to build or operate a tube on those conditions at the rate we are paying. Is it not desirable where the tubes are used for nothing except the transportation of mail, like in Chicago, already in existence, that if possible in the end it shall become the property of the Government?

Mr. OVERSTREET. That is a far better proposition than for it to become the property of the city.

Mr. MANN. If it should become the property of Chicago to-morrow, it would be offered to the General Government. The city could make no use of it.

Mr. OVERSTREET. I do not know about that; the city could sell it.

Mr. MANN. All the General Government would have to do would be to omit making appropriations. The General Government has absolute control of the subject. The General Government has the right to refuse to make appropriations except upon its terms, and can just as well say at the expiration of the franchise it will make no appropriation unless the pneumatic tube is turned over to the Government as to say what it is saying now. Would not the gentleman be willing to let the latter provision go out, in view of the attitude of Chicago, to which this only applies, and which attitude is in the interest of the General Government?

Mr. OVERSTREET. I have realized ever since this tube subject has been before the committee that it is unpopular in some sections and very popular in others. There are Members strongly prejudiced against it and Members strongly prejudiced in favor of the service. It is a peculiar situation. Undoubtedly in cities where the topography of the city is such as to make it extremely difficult to use the streets for carrying large quantities of mail it is of very great benefit.

In Chicago I think it is of especial benefit because of the drawbridges, the stoppage of traffic on the streets, the congested condition of the streets, and I think in the city of New York it has been of vast benefit. Without it the streets would be greatly congested even with the use of the elevated cars and the subway. It performs a peculiar and important service for the Government. I do not undertake to free the prejudice from the minds of some men that think the corporations are exacting high rentals, and that they ought not to be permitted to do so. Neither do I think that we ought to require that they shall give us the property after the term of the contract has expired. It is a patent. We are obliged to pay for this on account of the patent rights, the same as we discussed this afternoon in relation to canceling machines. We think we have been fairly liberal in the extension of the service. In New York it is being extended rapidly and used extensively. Chicago, St. Louis, Boston have demanded further extension, often more rapidly than the extension has been granted; but in doing that the committee felt that it was not acting unfairly to require that hereafter, in the new extensions where contracts have not already been entered into, there should be some sort of limitation relative to the ownership at least of the tube properties so that we might avoid, if possible, the continuance of high rental charges.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. OVERSTREET. Certainly.

Mr. FITZGERALD. There has been no contract let up to this time which has not provided a maximum amount that shall be paid.

Mr. OVERSTREET. I quite agree with the gentleman.

Mr. FITZGERALD. How do we benefit any by coming to the relief of this one company and freeing it from exactions to which it willingly submitted? It is simply stopping it from dividing profits with the municipality.

Mr. OVERSTREET. I suppose that if any impairment of the authority for the tube service or of the appropriation carried should be determined upon by the House, my friend from New York and my friend from Illinois would be among the first to complain against such impairment of the service in their own or other cities.

It is a good service, and gentlemen must admit that it has not been abused up to date; and the only desire we have is that before any additional contract shall be made in any of these new cities, or even an extension of service in any of the old cities shall be made, we shall have set our faces against the cities themselves becoming parties to the increased burdens upon this service.

Mr. FITZGERALD. Let me call the attention of the gentleman to this: Under the law of the State of New York, under the charter of the city of New York, the city can not grant any franchise in perpetuity. It must have a provision in it which limits the rights granted to a specified time. Suppose somebody should suggest that this extension shall not be made in any city where a franchise shall not be granted in perpetuity. It can be argued in that case just as strongly as it can in this one, where this corporation was willing to take the franchise under which it was to surrender all of its property at the end of the twenty years. Why should we interfere in a dispute between a municipality and a private corporation?

Mr. MURDOCK. The gentleman from Indiana spoke of some who have a strong prejudice against the pneumatic tube and this service. I have a strong prejudice against the service, as he well knows. I want to ask him if it is not a fact that the pneumatic-tube service means refinement of facility which sometimes defeats itself, and my point is this, that the last part of the large given amount of mail will arrive through a pneumatic tube at its destination at a later time than it would if carried by ordinary wagons.

Mr. OVERSTREET. I presume if there were but one wagon load of mail, and it all of the first class, that the last letter which might have been transported through the tube would have reached the office just as quickly if it had been transported from the wagon, but there is, as a rule, much more mail than a wagon load in cities where the service is installed, and it is difficult to put into practice the proposition which the gentleman submits, because there is a continuous stream of letters through the tube.

As long as there are letters to be sent either to the office or to one of the stations fed by the tube, this stream of letters keeps up. Now, I doubt whether there has ever been a time in actual practice where they took just the mail from one particular load and started it through one particular tube. So that in practice the theoretical proposition submitted by my friend from Kansas, I think, would never happen.

Mr. MURDOCK. The gentleman actually believes, then, that the pneumatic-tube service does facilitate the bulk of the first-class mail.

Mr. OVERSTREET. Unquestionably in these cities where it is in use.

Mr. FITZGERALD. The gentleman from Kansas overlooks the fact that it is distributed in the office as quickly as it arrives when it comes through the tube.

Mr. MURDOCK. I understand that out in Kansas City, Mo., where there is a provision for a pneumatic-tube service to carry the mail from the Union Depot to the post-office, the great bulk of the mail carried by wagons will arrive at the post-office before it will by pneumatic tube. I wish also to call the attention of the gentleman from Indiana [Mr. OVERSTREET] to this proposition, that by very reason of the large mail in cities, even if you do have an ever continuing line of mail through the pneumatic tube, from station to station or from railroad to station to post-office, the last part of any great bulk of mail is delayed and not facilitated.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. The suggestion of the gentleman from Kansas [Mr. MURDOCK] that this service is unsuitable for short distances, such as that in Kansas City, I believe is confirmed by the opinion of post-office officials who have given any consideration whatever to this service. The value of this service lies not so much for short distances as where the distances are long and where the collections of mail are frequent. For instance, in Philadelphia they used that service originally between the main post-office and the Bourse substation, a distance of half a mile, and from the main station to the Reading terminal and Broad Street station. It was the opinion of the postal officials of that city that mail could be much more expeditiously dispatched to those points by wagon than by pneumatic tube; but in a city where you have trains arriving very frequently, as in New York City, where 90 per cent of all the mail arrives and de-



parts over the New York Central and the Pennsylvania railroads, it is of great value in dispatching the mail to the trains and from the trains to the many postal stations in the city.

Then, again, it is of value in the transmission of city mail, which is very large in New York, because, as gentlemen are aware, these tubes have connections with postal stations, and it would require an hour or more to have that mail carried by screened-wagon service, which is the only method of service in New York, whereas by this tube service it can be taken from Station H, at the New York Central depot, to the main post-office or to the Wall street station or to Brooklyn in the course of from six to twelve minutes.

Mr. MURDOCK. Will the gentleman yield?

Mr. STAFFORD. I will yield.

Mr. MURDOCK. I would like the gentleman to explain to the committee, if he can, why it is that these extensions have not been made in the cities named in the bill?

Mr. STAFFORD. To be frank with the gentleman, there is one company, though under different names, that operates this system in the five respective cities in which the service is now in operation. A few years ago there were two rival companies, but now one company has gained control of the entire system and owns some of the patents. Of course, there are different means of conveyance by pneumatic tube and other devices, but this company has control of one set of patents.

The reason why they have not been extended is largely because they have limited capital, and they can make more money by investing that capital in those cities where the cost of construction is less than in cities where the cost of construction is great. For example, the greatest extension of this service has been during the last two years in the city of Philadelphia. Until two years ago there was in the neighborhood of a mile and a half of service. At the present time there are nearly 4 miles in operation, and there are under contract 7.35 miles. There, as the gentleman from Philadelphia and others who are acquainted with the topography of that city know, it is easy to excavate to lay the tubes. They have no marshes there; and I have seen during the past two years the ease with which they have extended the pipes from the main post-office to the Fairmount Avenue station, and up to Columbia avenue and Tenth street, and another line of tubes from Columbia avenue to Ridge road, and still another south to the Snyder Avenue station.

In that city, which is the only city, I may say, where there have been any extensions during recent years, the company has utilized its available funds for the extension of the system. It was more profitable, as a bare statement of the subject will show that they could make more money by extending the system in one city than by branching it out by piecemeal in these other five cities where the service was very limited in extent, as, for instance, in Kansas City, where it was proposed to extend it not more than a mile and a half, and in Cincinnati about 1½ or 2 miles, and in Baltimore less than a mile, and where they would receive for those short distances the maximum of \$17,000 a mile.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. In New York, I may say, the service is being extended in Brooklyn, and also in the outlying suburbs; but some of the extensions have been delayed because of the building of the new Pennsylvania station. In Chicago one of the difficulties encountered in the extension of the service has been the limitation in the franchise which provided that these tubes should revert to the city at the expiration of fifteen years. The company, as I stated a few moments ago, thought it was more practicable and a better investment, as their means were limited, to invest them in those localities where they did not have restrictions, and accordingly they have centered all their extensions there.

Mr. FITZGERALD. Will the gentleman yield to a question?

Mr. STAFFORD. I will.

Mr. FITZGERALD. Will the gentleman state who recommended the provisos that are contained in this paragraph?

Mr. STAFFORD. To which provisos does the gentleman refer?

Mr. FITZGERALD. The ones about the extraordinary tax and the one about the ultimate ownership of the property by cities. I have searched through the estimates and hearings and have been unable to find any recommendation by any official. I would be glad to know just who made this recommendation.

Mr. STAFFORD. If you will examine the hearings you will find that there are various communications that were sent to members of the committee protesting against the existing condi-

tions of the pneumatic-tube service in Chicago and also protesting against the continuation of the limitations in the franchise that prevented the extension of the service to the outlying suburbs which has been recommended by the board that investigated this system some few years ago.

Mr. FITZGERALD. Will the gentleman call my attention to where these communications can be found in the hearings? I have not been able to find them.

Mr. STAFFORD. On page 261 of the hearings and subsequent pages he will find a letter from Mr. David R. Forgan, president of the First National Bank, addressed to Mr. George W. Hinman, president of the Inter Ocean Publishing Company, Chicago, in which he directs attention to the general service in Chicago, and some other communications.

Mr. FITZGERALD. Will the gentleman tell me whether Mr. Forgan or his bank has any interest in this tube-service company or has been approached to finance this extension?

Mr. STAFFORD. There is nothing disclosed in the record and nothing presented to the committee that showed any interest on the part of Mr. Forgan except as a citizen of Chicago interested in the service.

Mr. FITZGERALD. The president of one national bank and the Pneumatic Tube Company itself wrote letters, and then there are some resolutions adopted by the chamber of commerce. I undertake to say, from what my experience has been, that a chamber of commerce in a large city will pass a resolution in favor of anything that can be suggested to a legislative body; and if that is the only thing upon which the recommendation has been based it does not impress me very much.

Mr. OVERSTREET. Mr. Chairman, it is quite evident that we can not conclude this paragraph this evening. I suggest that we stop at this point. I want to ask unanimous consent to recur to page 5, which I think will take just a minute.

Mr. MURDOCK. A parliamentary inquiry. Has a point of order been reserved to any part of this paragraph or the paragraph?

The CHAIRMAN. The point of order has been reserved against the paragraph.

Mr. OVERSTREET. At page 5 of the bill, the gentleman from Pennsylvania [Mr. WANGER], I understand, will withdraw his point of order against the proviso contained in lines 12, 13, 14, and 15. I desire to have that put back in the bill.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to return to a paragraph on page 5 of the bill for the purpose stated. Is there objection? [After a pause.] The Chair hears none.

Mr. WANGER. Mr. Chairman, being fully persuaded of the propriety of the provision as reported by the committee, I respectfully withdraw my point of order.

The CHAIRMAN. The Chair will state that the point of order being withdrawn, the Chair thinks the better practice would be for the gentleman from Indiana to move an amendment.

Mr. OVERSTREET. I move to reinsert in the bill lines 12, 13, 14, and 15, on page 5.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word, "dollars," in page 5, line 12, insert: "Provided, That hereafter a second assistant postmaster may be employed at the city of Chicago post-office at an annual compensation of \$2,500."

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was agreed to.

Mr. GOEBEL. Mr. Chairman, several days ago I addressed the committee upon the question of ocean mail subsidy. I desire now to ask unanimous consent to extend my remarks in the Record upon that subject.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend in the Record some remarks made by him in committee on a former day concerning this bill. Is there objection? [After a pause.] The Chair hears none.

Mr. HOUSTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record on the amendment I offered.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend the remarks made upon his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. OVERSTREET. I move that the committee do now rise. The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on state of the Union, reported that that committee had had under consideration the post-office appropriation bill and had come to no resolution thereon.

## ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9205. An act to make the provisions of an act of Congress approved February 28, 1891 (26 Stats., p. 796), applicable to the Territory of New Mexico; and

H. R. 16860. An act to establish a United States land district in the Territory of New Mexico to be known as the Tucumcari land district.

## AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT, from the Committee on Agriculture, reported the bill (H. R. 19158) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909, which was read a first and second time and, with the accompanying report, ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. FITZGERALD. I reserve all points of order on the bill.  
The SPEAKER. The gentleman from New York reserves all points of order.

## ADJOURNMENT.

Mr. OVERSTREET. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 13 minutes p. m.) the House adjourned.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Hazard*, Barnabus Young, master—to the Committee on Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Hans Peter Guttormsen against the United States—to the Committee on War Claims and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 6283) permitting homestead entries upon certain lands in Whatcom County, Wash., being a portion of the "Point Roberts Reserve," reported the same with amendment, accompanied by a report (No. 1215), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAMILTON of Michigan, from the Committee on the Territories, to which was referred the joint resolution of the Senate (S. R. 37) disapproving certain laws enacted by the legislative assembly of the Territory of New Mexico, reported the same without amendment, accompanied by a report (No. 1216), which said resolution and report were referred to the House Calendar.

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 18689) to authorize the Secretary of War to furnish two condemned brass or bronze cannon and cannon balls to the city of Winchester, Va., reported the same with amendment, accompanied by a report (No. 1219), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the House (H. R. 10986) for the relief of L. H. Lewis, reported the same without amendment, accompanied by a report (No. 1211), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the

bill of the House (H. R. 10987) for the relief of A. A. Lewis, reported the same without amendment, accompanied by a report (No. 1212), which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on War Claims, to which was referred the bill of the House (H. R. 8661) for the relief of the Richmond Light Infantry Blues, of Virginia, reported the same with amendment, accompanied by a report (No. 1214), which said bill and report were referred to the Private Calendar.

Mr. FULTON, from the Committee on Claims, to which was referred the bill of the House (H. R. 17344) for the relief of Frederick Daubert, reported the same without amendment, accompanied by a report (No. 1217), which said bill and report were referred to the Private Calendar.

Mr. CLAUDE KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 5826) to pay the Woodward Carriage Company, of San Antonio, Tex., for the loss of a horse while being used by the Department of Agriculture, reported the same without amendment, accompanied by a report (No. 1218), which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19101) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1220), which said bill and report were referred to the Private Calendar.

## ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 17556) to grant an honorable discharge from the military service to Robert C. Gregg, reported the same adversely, accompanied by a report (No. 1213), which said bill and report were laid on the table.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 618) granting a pension to Charles M. Baughman—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11942) granting an increase of pension to Elizabeth Graham—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16911) granting an increase of pension to Clara B. Mercur—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15183) authorizing the Secretary of the Interior to issue patents in fee to the Protestant Episcopal Church for certain lands in Wisconsin set apart for the use of the said church for missionary purposes among the Oneida Indians—Committee on the Public Lands discharged, and referred to the Committee on Indian Affairs.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HAMLIN: A bill (H. R. 19080) for the relief of postal employees—to the Committee on the Post-Office and Post-Roads.

By Mr. ACHESON: A bill (H. R. 19081) to promote efficiency among military officers—to the Committee on Military Affairs.

By Mr. GOULDEN: A bill (H. R. 19082) providing for the assembling, collecting, editing, and transmitting by the Secretary of War to Congress for printing as a public document for distribution the rolls of soldiers, sailors, and marines, and correspondence and reports relating to the war of the Revolution—to the Committee on Military Affairs.

By Mr. BURTON of Ohio: A bill (H. R. 19083) to prevent the disclosure of information concerning interstate shipments of any person, firm, or corporation by common carriers, their officers, agents, or employees, or persons having access to their records, to another person, firm, or corporation—to the Committee on Interstate and Foreign Commerce.



By Mr. HOWELL of Utah: A bill (H. R. 19084) to provide for the erection of a public building at the city of Ephraim, Utah—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Michigan: A bill (H. R. 19085) to amend section 691 of subchapter 7, building associations, of the Code of Law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. FULTON: A bill (H. R. 19086) to establish a sub-treasury at Oklahoma City, Okla.—to the Committee on Ways and Means.

By Mr. SNAPP: A bill (H. R. 19087) to authorize the Secretary of War to furnish two condemned cannon to the Elgin Academy, Elgin, Ill.—to the Committee on Military Affairs.

By Mr. FOSS: A bill (H. R. 19088) to protect the uniform of the naval and military service of the United States—to the Committee on Naval Affairs.

By Mr. HUMPHREY of Washington: A bill (H. R. 19089) to encourage private salmon hatcheries in Alaska—to the Committee on the Merchant Marine and Fisheries.

By Mr. FOSS: A bill (H. R. 19090) to provide for the examination of certain officers of the Navy, and to regulate promotions and retirements therein—to the Committee on Naval Affairs.

Also, a bill (H. R. 19091) to provide for the arrest of deserters from the naval service of the United States—to the Committee on Naval Affairs.

Also, a bill (H. R. 19092) for the relief of certain commissioned and warrant officers appointed while serving in the Regular Navy—to the Committee on Naval Affairs.

Also, a bill (H. R. 19093) to amend section 1624, article 34, of the Revised Statutes—to the Committee on Naval Affairs.

Also, a bill (H. R. 19094) to authorize the Secretary of the Navy in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the naval service—to the Committee on Naval Affairs.

By Mr. FRENCH: A bill (H. R. 19095) authorizing the Secretary of the Interior to sell isolated tracts of land within the Nez Perce Indian Reservation—to the Committee on Indian Affairs.

By Mr. SPARKMAN: A bill (H. R. 19096) to increase the limit of cost of a public building at the city of Ocala, in the State of Florida, and to authorize the erection and completion of such building—to the Committee on Public Buildings and Grounds.

By Mr. FAIRCHILD: A bill (H. R. 19097) awarding medals of honor to the officer and enlisted men of the Third Regiment New York Cavalry—to the Committee on Military Affairs.

By Mr. OLCOTT: A bill (H. R. 19098) for the establishment of an asylum for the criminal insane in the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 19099) for the erection of a building for the criminal insane in the District of Columbia—to the Committee on Public Buildings and Grounds.

By Mr. HUGHES of West Virginia: A bill (H. R. 19100) for the protection of the banks of the Guyandot River at Barboursville, Cabell County, W. Va.—to the Committee on Rivers and Harbors.

By Mr. LOUDENSLAGER, from the Committee on Pensions: A bill (H. R. 19101) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. STEPHENS of Texas: A bill (H. R. 19156) to authorize the sale of the property and the migration of certain full-blood Indians, and for other purposes—to the Committee on Indian Affairs.

By Mr. FERRIS: A bill (H. R. 19157) to provide for the sale of the remnant of certain Indian pasture and wood reserve lands in Oklahoma, and for other purposes—to the Committee on Indian Affairs.

By Mr. SCOTT, from the Committee on Agriculture: A bill (H. R. 19158) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909—to the Union Calendar.

By Mr. ANDREWS: Joint resolution (H. J. Res. 151) disapproving certain laws enacted by the legislative assembly of the Territory of New Mexico—to the Committee on the Territories.

Also, joint resolution (H. J. Res. 152) concerning the Navajo Indian Reservation in New Mexico—to the Committee on Indian Affairs.

By Mr. SMITH of California: Joint resolution (H. J. Res. 153) concerning the acquisition of a site for a public building

in the city of San Diego, Cal., and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. SCOTT: Resolution (H. Res. 294) for payment for services of a messenger to the Committee on Agriculture—to the Committee on Accounts.

Also, resolution (H. Res. 295) requesting the Secretary of Commerce and Labor to investigate the causes of the fluctuations in the price of grain, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. HARRISON: Resolution (H. Res. 296) requesting the President of the United States for certain information relative to the Panama Canal Zone—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL of Iowa: Resolution (H. Res. 297) for pay for services of a messenger to the Committee on Military Affairs—to the Committee on Accounts.

By Mr. BURTON of Ohio: Concurrent resolution (H. C. Res. 33) for printing copies of preliminary report of the Inland Waterways Commission—to the Committee on Printing.

By Mr. HARRISON: Concurrent resolution (H. C. Res. 34) to provide for the printing of the proceedings attending the unveiling of the statue of Maj. Gen. George B. McClellan—to the Committee on Printing.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 19102) granting a pension to W. H. Gooden—to the Committee on Pensions.

Also, a bill (H. R. 19103) for the relief of F. Nerio Gomez—to the Committee on Claims.

By Mr. ASHBROOK: A bill (H. R. 19104) granting an increase of pension to William M. Seymour—to the Committee on Invalid Pensions.

By Mr. BARCLAY: A bill (H. R. 19105) granting an increase of pension to Newton Reed—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 19106) granting a pension to C. H. St. Clair—to the Committee on Pensions.

By Mr. BRUMM: A bill (H. R. 19107) granting an increase of pension to Robert M. McCormick—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 19108) for the relief of the heirs of Edward H. Wade, deceased—to the Committee on War Claims.

Also, a bill (H. R. 19109) granting an increase of pension to Malinda Foust—to the Committee on Pensions.

Also, a bill (H. R. 19110) granting a pension to Robert W. Burkart—to the Committee on Pensions.

By Mr. BURTON of Ohio: A bill (H. R. 19111) granting a pension to Carl Keyerleber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19112) to correct the military record of Lora E. Reed—to the Committee on Military Affairs.

By Mr. CARLIN: A bill (H. R. 19113) for the relief of Julia T. W. Furlong, executrix of estate of Thomas Wrenn, deceased—to the Committee on War Claims.

By Mr. CARTER: A bill (H. R. 19114) to remove the restrictions upon the alienation, sale, incumbrance, or taxation of certain lands of W. H. L. Campbell, a citizen by intermarriage of the Chickasaw Nation—to the Committee on Indian Affairs.

By Mr. Chaney: A bill (H. R. 19115) granting an increase of pension to Joseph Dulieu—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19116) granting an increase of pension to Marquis L. Walts—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 19117) granting an increase of pension to Alexander Tuck—to the Committee on Invalid Pensions.

By Mr. COCKS of New York: A bill (H. R. 19118) granting a pension to Louise E. Eberle—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 19119) granting an increase of pension to William Love—to the Committee on Invalid Pensions.

By Mr. DAVIDSON: A bill (H. R. 19120) to reimburse Andrew Noll, postmaster of Chilton, Wis., for damage to post-office property by burglary—to the Committee on Claims.

By Mr. DOUGLAS: A bill (H. R. 19121) granting an increase of pension to Major Randolph—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 19122) granting a pension to Jacob H. Howell—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 19123) to correct the lineal and relative rank of Granville Sevier, captain, Coast Artillery Corps, United States Army—to the Committee on Military Affairs.

By Mr. GILHAMS: A bill (H. R. 19124) for the relief of the estate of J. Calvin Kinney, deceased—to the Committee on Claims.

By Mr. HARDING: A bill (H. R. 19125) granting an increase of pension to Joseph D. Callaghan—to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 19126) granting an increase of pension to Lytle Kays—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 19127) granting a pension to Helen M. Morgan—to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 19128) granting an increase of pension to Charles M. Titus, jr.—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 19129) for the relief of the heirs of James D. White, deceased—to the Committee on War Claims.

By Mr. JENKINS: A bill (H. R. 19130) granting an increase of pension to Christian Evenson—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 19131) granting an increase of pension to Robert Elliott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19132) granting an increase of pension to John Owens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19133) granting a pension to Caleb Che-nault—to the Committee on Pensions.

Also, a bill (H. R. 19134) granting a pension to Frank P. Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19135) for the relief of the legal representatives of Adam Baum—to the Committee on War Claims.

Also, a bill (H. R. 19136) to correct the military record of Henry Ritchie—to the Committee on Military Affairs.

By Mr. McCREARY: A bill (H. R. 19137) granting an increase of pension to Abram P. Eaton—to the Committee on Invalid Pensions.

By Mr. McKINLAY of California: A bill (H. R. 19138) granting an increase of pension to John Winter—to the Committee on Pensions.

Also, a bill (H. R. 19139) granting an increase of pension to Billings A. Clark—to the Committee on Pensions.

By Mr. MONDELL: A bill (H. R. 19140) to donate certain carriages, caissons, and equipments to General O. O. Howard Post, No. 110, Grand Army of the Republic, of Basin, Wyo.—to the Committee on Military Affairs.

By Mr. MOUSER: A bill (H. R. 19141) for the relief of the heirs at law and legal representatives of Asahel Bliss—to the Committee on War Claims.

By Mr. NYE: A bill (H. R. 19142) granting an increase of pension to William Ray—to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 19143) granting an increase of pension to Patrick P. Toale—to the Committee on Invalid Pensions.

By Mr. PUJO: A bill (H. R. 19144) granting an increase of pension to Paul Sullivan, alias Matthias G. Clark—to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 19145) for the relief of David Ryan—to the Committee on Claims.

By Mr. SMITH of Missouri: A bill (H. R. 19146) granting an increase of pension to George Leadbetter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19147) granting an increase of pension to Benjamin F. Pew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19148) granting an increase of pension to Andrew J. Williams—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 19149) granting a pension to Sarah J. Davis—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 19150) granting an increase of pension to Joseph M. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19151) granting an increase of pension to Jacob Taylor—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 19152) for the relief of Paul Butler—to the Committee on Claims.

By Mr. BURNETT: A bill (H. R. 19153) granting a pension to Pauline E. Hauk—to the Committee on Pensions.

By Mr. RHINOCK: A bill (H. R. 19154) to correct the military record of Conrad Seither—to the Committee on Military Affairs.

Also, a bill (H. R. 19155) granting a pension to Sarah Moore—to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Liberal Alliance, of Los Angeles, and 480 similar organizations, against legislation to restrict interstate commerce in beer and wine—to the Committee on the Judiciary.

By Mr. ACHESON: Petition of Branch No. 93, Glass Blowers' Association of the United States and Canada, against S. 2926 (Tillman bill)—to the Committee on the District of Columbia.

Also, petition of Local Union No. 266, United Mine Workers of America, against S. 1518—to the Committee on the Post-Office and Post-Roads.

Also, petitions of citizens of New Brighton, Rochester, and Beaver Falls, Pa., for an international court of arbitration—to the Committee on Foreign Affairs.

By Mr. ANTHONY: Petition of sundry officers of the Hanoverian army who came to America during the civil war, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. ASHBROOK: Paper to accompany bill for relief of Caroline M. Douglas—to the Committee on Pensions.

By Mr. BATES: Petition of Reed Manufacturing Company, of Erie, Pa., for Gallinger amendment to shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Crawford County, Pa., for additional protection to dairy interests—to the Committee on Agriculture.

Also, petition of Muncie Iron Works, of Erie, Pa., favoring Fulton amendment to interstate commerce law (S. 423)—to the Committee on Interstate and Foreign Commerce.

By Mr. BIRDSALL: Petition of Independence Tobacco Manufacturers, against H. R. 17520—to the Committee on Ways and Means.

Also, petitions of S. J. Stack, Clarence Warren, and D. W. Rand, of Dubuque, Iowa, for battle-ship building at navy-yards—to the Committee on Naval Affairs.

By Mr. BRADLEY: Petition of Shawagunk Grange, Patrons of Husbandry, of Minisink, N. Y., for H. R. 15837, for a national highway commission—to the Committee on Agriculture.

By Mr. BRICK: Petition of St. Joseph Valley Grange, No. 584, of South Bend, Ind., for a national highway commission—to the Committee on Agriculture.

Also, petition of William Landon Post, No. 290, Grand Army of the Republic, for the Sherwood pension bill (H. R. 4038)—to the Committee on Invalid Pensions.

By Mr. BURKE: Petition of William McMahon, against sale of intoxicants on all Government property—to the Committee on Alcoholic Liquor Traffic.

By Mr. BURNETT: Papers to accompany bills for relief of heirs of Edward H. Wade and Solomon Kean—to the Committee on War Claims.

By Mr. BURTON of Ohio: Petition of United Mine Workers of America, for amendment to Constitution against disfranchisement of woman—to the Committee on the Judiciary.

Also, petition of veterans of the civil war, for repeal of section 3 of service-pension act of February 6, 1907, and in lieu a reasonable attorney's fee be allowed as per pension act of July 4, 1884—to the Committee on Invalid Pensions.

By Mr. CALDER: Petition of Association of American Directory Publishers, for the Kittredge copyright bill—to the Committee on Patents.

By Mr. CAPRON: Petition of Bryan, Marsh Company, of Central Falls, R. I., against child-labor bill—to the Committee on Labor.

Also, petition of Davisville (R. I.) Grange, Patrons of Husbandry, for a national highway commission—to the Committee on Agriculture.

By Mr. CHANEY: Paper to accompany bill for relief of Maryius L. Walts—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: Petition of officers of First National Bank of Madison, Fla., for the Fowler currency bill—to the Committee on Banking and Currency.

By Mr. COOPER of Texas: Petition of Sam Roker and 11



other citizens of Jacksonville, Tex., against S. 1518 (Penrose amendment)—to the Committee on the Post-Office and Post-Roads.

Also, petition of Oscar Ackerman and members of Electrical Workers' Local No. 221, for battle-ship building in navy-yards—to the Committee on Naval Affairs.

By Mr. DAVEY of Louisiana: Petition of William Growland, jr., and others, of New Orleans, La., for telegraph investigation—to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of Minnesota: Petition of Travelers and Merchants' Association of Baltimore, for the Fowler currency bill (H. R. 12677)—to the Committee on Banking and Currency.

By Mr. DRAPER: Petition of board of managers of Sons of the Revolution, of New York State, for appropriation to print and preserve certain papers and documents of the American Revolution—to the Committee on Printing.

By Mr. DUNWELL: Petition of American Newspaper Publishers' Association, for repeal of duty on white paper and wood pulp—to the Committee on Ways and Means.

Also, petition of Association of American Directory Publishers, against the Currier copyright bill—to the Committee on Patents.

Also, petition of Munson Steamship Line, of New York, for the Gallinger amendment to the shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Western Pine Manufacturers' Association, for H. R. 16096, relative to timber preservation—to the Committee on Agriculture.

Also, petition of R. J. Caldwell, of New York City, for H. R. 186, relative to Medical Department in the Army—to the Committee on Military Affairs.

By Mr. EDWARDS of Kentucky: Paper to accompany bill for relief of Charles W. Gilbert (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. ELLIS of Oregon: Paper to accompany bill for relief of John W. Boals—to the Committee on Invalid Pensions.

By Mr. FLOOD: Petition of Central Trades and Labor Council of Roanoke, Va., for an eight-hour law—to the Committee on Labor.

Also, petition of Central Trades and Labor Council of Roanoke, Va., for legislation to regulate restraining orders and injunctions and procedure thereon, and to limit meaning of conspiracy in certain cases—to the Committee on the Judiciary.

By Mr. FOCHT: Paper to accompany bill for relief of James K. Snyder—to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of Local Union No. 11, Amalgamated Sheet Metal Workers' International Alliance, of New York City, for battle-ship building at Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, petition of New York Chapter, American Institute of Architects, against change of site of the Grant Memorial—to the Committee on the Library.

Also, petition of National Association of Clothiers, of New York, against the Aldrich bill and in favor of the Fowler currency bill—to the Committee on Banking and Currency.

By Mr. FULLER: Petition of United Mine Workers of America, against disfranchisement of citizens of United States on account of sex—to the Committee on the Judiciary.

Also, petition of H. A. Riedel Investment Company, for post-office savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. FULTON: Petition of Oklahoma State Federation of Labor, for the Rodenberg anti-injunction bill (H. R. 17137) and for Sterling employers' liability bill (H. R. 17036)—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Ephraim Lamborn—to the Committee on Military Affairs.

Also, petition of George H. Dand and others, against the Penrose amendment—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Caddo County, Okla., for a bureau of mines and mining—to the Committee on Mines and Mining.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of Granville Sevier—to the Committee on Pensions.

By Mr. GOLDFOGLE: Petition of North Side Board of Trade, for an annual appropriation bill for rivers and harbors—to the Committee on Rivers and Harbors.

By Mr. GOULDEN: Petition of United Mine Workers of America, for the Pearre bill—to the Committee on the Judiciary.

Also, petition of United Mine Workers of America, against the Dayton decision—to the Committee on the Judiciary.

Also, petition of United Mine Workers of America, for the McHenry bill, relative to a school of mines—to the Committee on Mines and Mining.

By Mr. GRAHAM: Petition of J. W. Welch, for H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. GRONNA: Petition of Local Union No. 4700, American Society of Equity, of Valley City, N. Dak., for passage of the McCumber bill, for Federal grain inspection and prohibition of trade options—to the Committee on Interstate and Foreign Commerce.

Also, petition of Energetic Lodge, No. 3, Brotherhood of Locomotive Firemen and Engineers, of Jamestown, N. Dak., for La Follette-Sterling liability bill, the Clapp free-pass amendment, and the Rodenberg anti-injunction bill—to the Committee on the Judiciary.

Also, petition of citizens of Olsen, N. Dak., against Penrose bill (S. 1518)—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMILTON of Iowa: Paper to accompany bill for relief of Sylvester Hendrix—to the Committee on Invalid Pensions.

By Mr. HENRY of Texas: Petition of A. C. Hall and others, for H. R. 15123 and 15267 and S. 4395, for control of telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. HILL of Connecticut: Petition of citizens of Thomaston, Conn., for Littlefield original-package bill—to the Committee on the Judiciary.

Also, petition of Central Labor Union of Meriden, Conn., for battle ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of A. W. Burritt and others, of Bridgeport, Conn., for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petitions of Schwaebischer Maennerchor, Germania Singing Society, M. G. V. Society "Arion," German-American Association, Bavarian S. B. Society, St. Joseph's K. B. Society, and St. Michael S. B. Society, all of Bridgeport, Conn., against interstate liquor legislation—to the Committee on the Judiciary.

By Mr. HOWELL of New Jersey: Petition of William Smith, of Sayersville, N. J., for amendment of copyright laws to protect composers—to the Committee on Patents.

Also, petition of Brotherhood of Engineers and Firemen of Phillipsburg, N. J., for the La Follette employers' liability bill—to the Committee on the Judiciary.

Also, petition of Painters, Decorators, and Paperhangers' Union of Fair Haven, N. J., against prohibition in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Anchor Grange, of Cassville, N. J., for national highway commission—to the Committee on Agriculture.

Also, petition of Liberty Grange, of New Jersey, for national highway commission—to the Committee on Agriculture.

By Mr. HOWELL of Utah: Petition of Local Union No. 8, of Salt Lake City, for repeal of duty on paper and pulp—to the Committee on Ways and Means.

Also, petition of Al Hanson, James Plymate, and others, against S. 1518—to the Committee on the Post-Office and Post-Roads.

Also, petition of Wasatch Lodge, No. 388, Brotherhood of Railway Trainmen, for H. R. 17036 (La Follette-Sterling liability bill)—to the Committee on the Judiciary.

Also, petition of Bingham Canyon Industrial Union, No. 93, against S. 1518—to the Committee on the Post-Office and Post-Roads.

By Mr. HUBBARD of Iowa: Petition of officers and men of Company H, Fifty-sixth Iowa National Guard, for S. 4316 and H. R. 14783, promoting efficiency of militia—to the Committee on Militia.

By Mr. HUMPHREY of Washington: Petition of Free Methodist Church of Arlington, against sale of intoxicants in Government buildings or on Government grounds—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Free Methodist Church, for Sunday closing of the Alaska-Yukon-Pacific Exposition at Seattle in 1909—to the Committee on Industrial Arts and Expositions.

By Mr. LAFEAN: Petition of citizens of Red Lion, Pa., against amendment to section 3893 of the Revised Statutes (Penrose amendment)—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDBERGH: Petition of citizens of Grey Eagle, Minn., against S. 1518, relating to second-class mail matter exclusion from mails, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDSAY: Petition of New York Chapter of American Institute of Architects, against change in site of Grant Memorial—to the Committee on the Library.

Also, petition of Logan Iron Works, of Brooklyn, N. Y., for Gallinger amendment to shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Music Engravers' Union, for amendments to both Kittredge and Currier copyright bills—to the Committee on Patents.

Also, petition of A. H. De Haven, against the Hepburn bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of American Musical Copyright League, for the Currier bill—to the Committee on Patents.

Also, petition of Travelers and Merchants' Association of Baltimore, against the Aldrich and for the Fowler currency bill—to the Committee on Banking and Currency.

Also, petition of Munson Steamship Line, of New York City, for the Gallinger amendment to the shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of board of managers of the Sons of the Revolution of New York, for appropriation to print and preserve certain documents of the American Revolution—to the Committee on Printing.

Also, petition of Association of American Directory Publishers, against the Currier copyright bill—to the Committee on Patents.

Also, petition of Joseph Hart, for the Kittredge and Barchfeld copyright bill—to the Committee on Patents.

By Mr. LOWDEN: Petition of National Business League of America, for widening and deepening of Pearl Harbor—to the Committee on Rivers and Harbors.

By Mr. MOORE of Pennsylvania: Petition of Travelers and Merchants' Association of Baltimore, for the Fowler currency bill—to the Committee on Banking and Currency.

Also, petition of Lodge No. 511, Brotherhood of Railway Trainmen, of Philadelphia, Pa., for S. 5307 and H. R. 17036 (La Follette-Sterling bill)—to the Committee on the Judiciary.

Also, petition of Lodge No. 511, Brotherhood of Railway Trainmen, of Philadelphia, Pa., for S. 4260 (Clapp free-pass amendment)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Lodge No. 511, Brotherhood of Railway Trainmen, of Philadelphia, Pa., for H. R. 17137 (Rodenberg anti-injunction bill)—to the Committee on the Judiciary.

By Mr. NORRIS: Petition of sundry citizens of the United States, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. OLCOTT: Petition of United Brotherhood of Carpenters and Joiners of America, of New York State, for battle-ship building in navy-yards of the country—to the Committee on Naval Affairs.

By Mr. PUJO: Paper to accompany bill for relief of Paul Sullivan—to the Committee on Invalid Pensions.

By Mr. RHINOCK: Petition of Golden Grange, of Union, Boone County, Ky., for a national highway commission—to the Committee on Agriculture.

Also, petition of citizens of Cincinnati and Covington, for battle-ship building in navy-yards—to the Committee on Naval Affairs.

Also, paper to accompany bill for relief of John McKibben—to the Committee on War Claims.

By Mr. RIORDAN: Petition of National Association of Clothiers, against the Aldrich and for the Fowler currency bill—to the Committee on Banking and Currency.

Also, petition of Andrew Carnegie and other citizens of New York, against extravagance in battle-ship building—to the Committee on Naval Affairs.

By Mr. SMITH of Michigan: Paper to accompany bill for relief of Harriet C. Mercer—to the Committee on Pensions.

By Mr. SULZER: Petitions of Munson Steamship Line of New York and the Herring and Hall and Marvin Safe Company, for the Gallinger amendment to shipping act of March 3, 1891—to the Committee on the Merchant Marine and Fisheries.

By Mr. TIRRELL: Paper to accompany bill for relief of Paul Butler—to the Committee on Claims.

By Mr. TOWNSEND: Petition of Brotherhood of Railway Trainmen of Gladstone, Mich., for Sterling-La Follette liability bill—to the Committee on the Judiciary.

Also, petition of Brotherhood of Locomotive Engineers, Division No. 2, of Jackson, Mich., for H. R. 17137 and S. 4260 (enlargement of powers of Interstate Commerce Commission)—to the Committee on Interstate and Foreign Commerce.

## SENATE.

THURSDAY, *March 12, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

## CHOCTAW AND CHICKASAW CITIZENSHIP COURT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, by direction of the President and in response to a resolution of the 2d instant, certain information relative to the charge that certain members of the Choctaw and Chickasaw court were bribed in connection with certain decisions rendered by them, etc., which was referred to the Committee on Indian Affairs and ordered to be printed.

## JAMES BIGLER V. UNITED STATES.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, with an accompanying order of the court, requesting the return of the findings in the cause of James Bigler v. United States, No. 10432, Congressional, certified under date of December 3, 1904, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

## FRENCH SPOILIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact and conclusions of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Hazard*, Barnabus Young, master, which, with the accompanying papers, was referred to the Committee on Claims and ordered to be printed.

## FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of James Davison v. United States;

In the cause of the Trustees of the Mount Olivet Primitive Baptist Church, of Philippi, W. Va., v. United States;

In the cause of the Secretary and Treasurer of Harrison Masonic Lodge, No. 122, of Brandenburg, Ky., v. United States;

In the cause of the Trustees of the Baptist Church of Brandenburg, Ky., v. United States; and

In the cause of the Missionary Baptist Church of Antioch, Tenn., v. United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

## ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 9205. An act to make the provisions of an act of Congress approved February 28, 1891 (26 Stats., p. 796), applicable to the Territory of New Mexico; and

H. R. 16860. An act to establish a United States land district in the Territory of New Mexico to be known as the Tucumcari land district.

## PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Retail Lumber Dealers' Association of Indiana, praying that an appropriation be made for the improvement of the inland waterways of the country, which was referred to the Committee on Commerce.

He also presented a petition of the town council of Guttenberg, Iowa, and a petition of the town council of Stillwater, Minn., praying that an appropriation be made for the improvement of the upper Mississippi River, which were referred to the Committee on Commerce.

He also presented a petition of the Eastern States Retail Lumber Dealers' Association, praying for the enactment of legislation providing for the taking of the census of the standing timber, which was referred to the Committee on the Census.

He also presented a petition of the Eastern States Retail Lumber Dealers' Association, praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.